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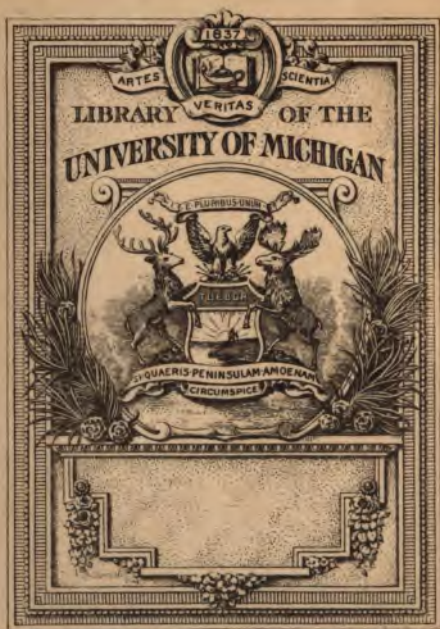
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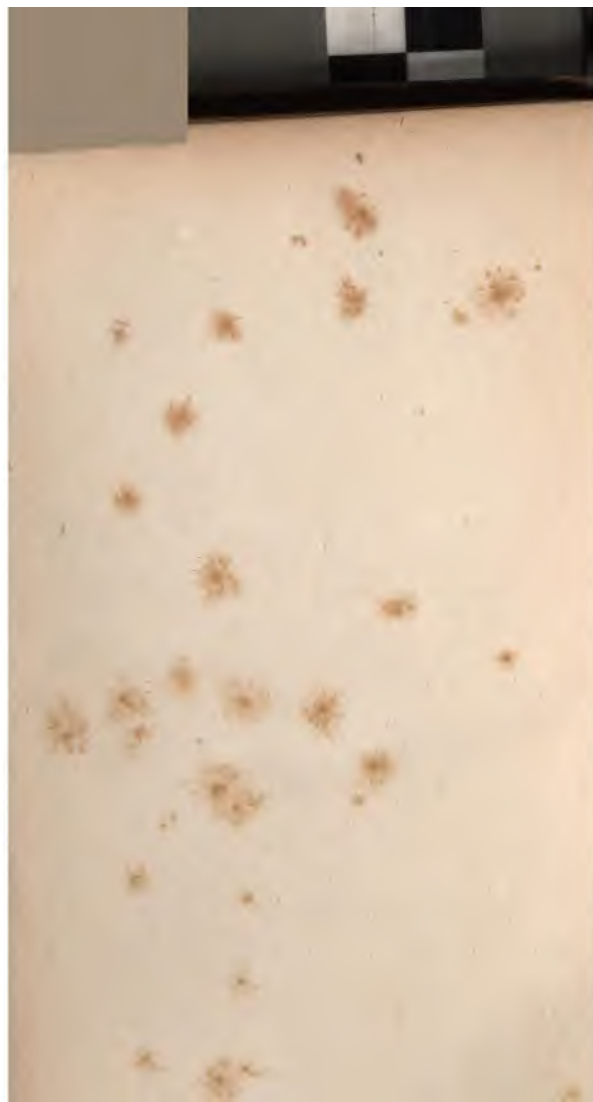
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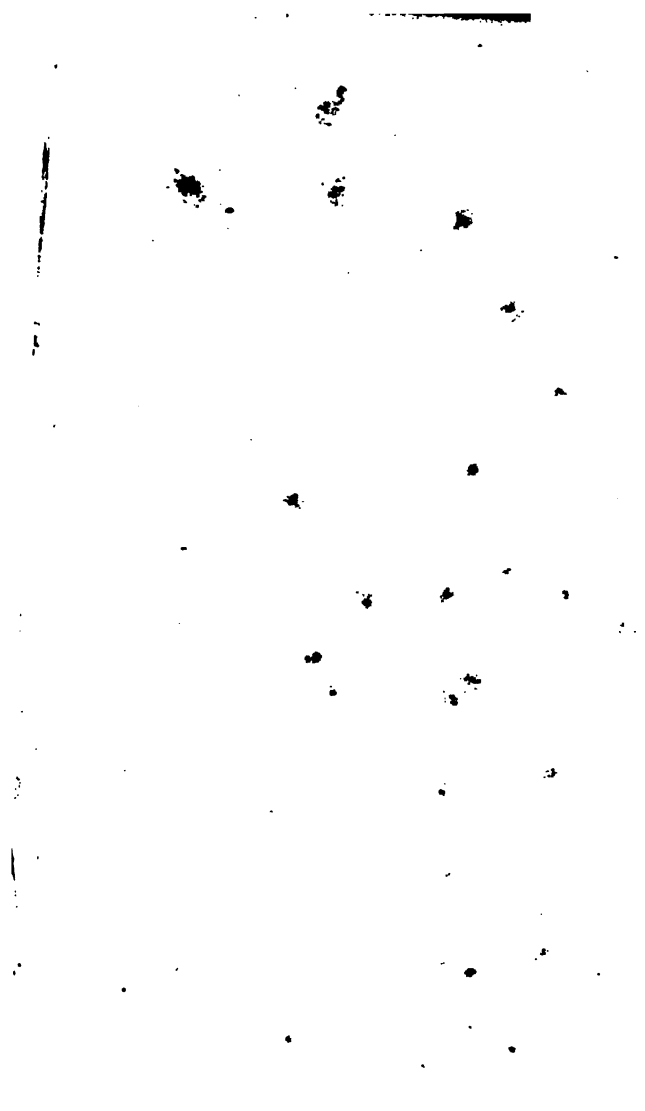
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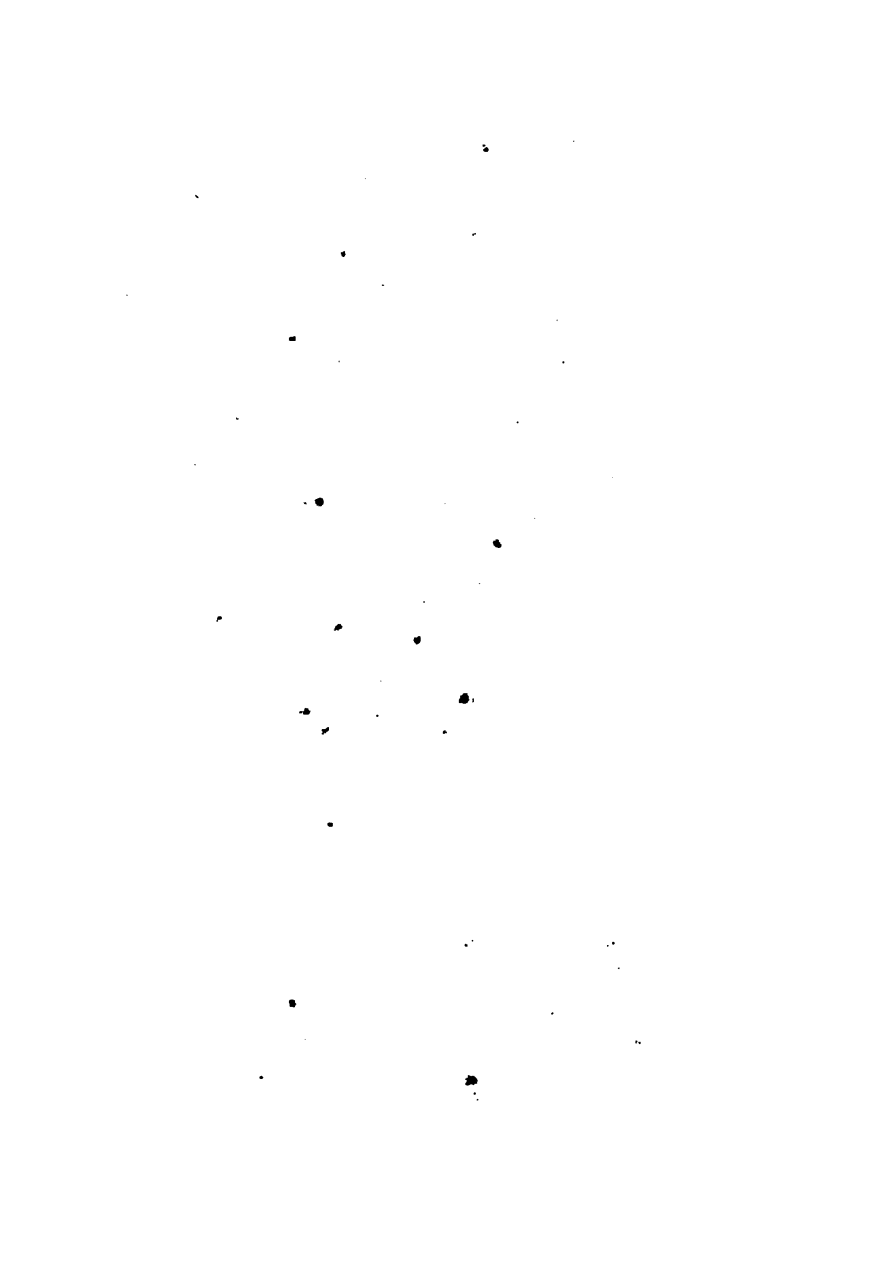
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A

MANUAL.

FOR

UNITED STATES CONSULS:

EMBRACING THEIR

RIGHTS, DUTIES, LIABILITIES, AND EMOLUMENTS;

THE LAWS AND JUDICIAL DECISIONS GOVERNING THEM;
AND SPECIAL NOTICES OF THE BUSINESS OF
SHIPMASTERS, SEAMEN, AND OTHERS,
WITH CONSULS.

BY

Joshua

J. SIDNEY HENSHAW,

Late of the United States Navy, Counsellor at Law, &c.

Ignorantia legis neminem excusat.—LAW MAX.

NEW YORK:

J. C. RIKER, 129 FULTON STREET.

MDCCCXLIX.



Entered, according to Act of Congress, in the year 1849, by
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PREFACE.

The importance of consulates early engaged the attention of the legislators of the United States, and from time to time many laws, directly or indirectly relating thereto, have been enacted by them ; but to this day no consolidated act nor system upon the subject has been adopted by this Government, nor has any individual hitherto undertaken to collect and reduce into a compact form, the existing laws and regulations for the guidance of United States Consuls and those having business with them.

Mr. Warden, the United States Consul General at Paris in 1811, published an excellent though limited treatise upon "Consular Establishments;" and Mr. Livingston, while Secretary of State, in 1833, issued Circulars of Instructions to Consuls, which, in some degree, served as a guide to them. Mr. Livingston also presented to Congress an able report upon the consular system of the United States, in which he particularly urged that more explicit regulations should be adopted by law ; and he therein further said : "The consular functions are highly important, and ought to be strictly defined. They are performed in a foreign country, often in collision with the officers of the nation in which they are placed ; and therefore public as well as private interests are put in jeopardy by their errors or faults. We offer the Consul no

facilities for the high discharge of his duty, and, unless a mal-disposition appear in the officer, we must not rebuke him for doing as well as he can." In 1845, Mr. Buchanan, then Secretary of State, likewise presented to Congress a very able and lucid report upon the present consular system, and the proper amendments and requirements for it. Several distinguished Members of Congress have also proposed and moved the adoption of similar complete systems of rules for the consulates of the United States. But, in the mean time, it has been and is often difficult for United States Consuls and their clients to comprehend, or even obtain a prompt access to, the existing laws which govern them, and which render them liable, in many instances, to large pecuniary penalties. Therefore, the successive parties of Consuls which have gone out from the United States, under different administrations, have seriously felt and frequently reiterated their want of some compendious guide.

To supply this want, until abler powers may be applied to the service, or a new system shall be adopted, this unpretending summary, which is but an enlargement of a portion of lectures upon International Law, delivered by order of the Navy Department to the junior officers of the Navy, is respectfully offered to those who may have aught to do with the consulates of the United States. It is not presumed that it can at all supercede any formal authority, or the instructions embodied in the Circulars of the State Department; but inasmuch as it presents, in a convenient form, all the laws of the United States relating to consulates, with the decisions of the courts of the *United States upon litigated points thereof, besides*

the purport of the General Instructions of the State Department thus far issued to Consuls, and the analogous customs of other countries, it must necessarily be a desirable *vade-mecum*, if not essential for every Consul of the United States. In this respect, as a useful Manual for Consuls, the writer is authorized to state that the present distinguished Secretary of State, has *unofficially* approved of this compend, after a careful perusal, and encouraged its completion by adding several important notes, and by supplying necessary documents of recent dates, and an impression of the consular seal.

Several laws not immediately essential to Consuls, and numerous directions and explanations apparently extra-judicial, appear in the body and appendices of this work, which are chiefly for the benefit of merchants, shipmasters, and seamen, who may choose to refer to it; but it should be borne in mind that whatever relates to commercial regulations or seamen's rights is incidentally important to Consuls, and that, as the supply of United States Consuls only with this work, would require but few more than an hundred copies, it was necessary slightly to enlarge the scope of the work and adapt it to the use of others, to warrant the publication of the very smallest edition.

The tables inserted in Appendix iii, have been carefully prepared, and, it is believed, may be relied upon. The table of United States and British consulates and the salaries or emoluments of each, has been compiled chiefly from official documents. The salaries of the British Consuls have been taken from a report to Parliament from the "Foreign Office," dated May, 1846, as quoted in the "*British Consul's Hand Book*," by

Robert Fynn, Esq.—London, 1846; and the salaries of British Diplomatic Agents have been derived partly from recent parliamentary debates and articles in the *Edinburgh Review*.

It may be proper here to state, that nothing definite appears in the body of this work, upon the recently agitated question respecting the right of a United States Consul to remove a shipmaster from his command; in a foreign port, by order of the ship-owners; because it is a question not finally and conclusively adjudicated, whether or not owners may, at any time before the completion of a voyage in progress, remove the master in possession, without good cause. But, inasmuch as the maritime law and decisions in courts of admiralty, mostly favor the right of owners to remove the master at their pleasure, provided they indemnify him for all his losses and liabilities incurred thereby, and as foreign courts of admiralty will not entertain jurisdiction in such cases between foreigners, without the mutual consent of the parties, or an application from the Minister or Consul of their country, it is a just inference that a Consul of the United States, in a foreign port where the aid of the State courts or local authorities is allowed to carry his decisions into effect, has a right to enforce the removal of a shipmaster by order of the owners.

NEW YORK, *September*, 1849.

CONTENTS.

PART I.

INSTITUTION OF CONSULATES IN GENERAL, AND IN THE UNITED STATES.

CHAP. I. CONSULATES IN GENERAL.

Origin of consulates; Meaning and application of the term, Consul; Origin of British consulates; The purpose and general adoption of consulates; Utility of modern consulates; Reception of Consuls not obligatory; Appointment and authority to act; Anticipation of the exequatur; Jurisdiction and functions ordinary and extraordinary; Elections of former Consuls; Rank of Consuls relatively; Customary privileges; Usual liabilities of Consuls as subjects; Privileges and liabilities of foreign Consuls in the United States, ...13

CHAP. II. UNITED STATES CONSULATES AND THE INITIATION INTO THEM.

Sources of authority for the guidance of United States Consuls; Their qualifications; The mode and conditions of United States consular appointments; Their commission and departure; Immediate duties upon arriving at the consulate; Formal authority to act; Taking possession of the consulate and its effects; Notices of establishment in office; Leave required for any absence; Appointment of vice-consuls and agent, ...34

PART II.

DUTIES OF UNITED STATES CONSULS, IN RELATION TO PERSONS.

CHAP. I. DUTIES RESPECTING SHIPMASTERS.

Duty of shipmasters to deposit ship papers with a Consul; Disposal of the papers by the Consul; When a shipmaster delays or neglects to deliver his papers; When shipping articles and crew-list are to be exhibited to a Consul; Conditions upon discharging seamen abroad; Appropriation of the three months' extra wages; To claim a discharge in case of any deviation of the voyage, or of unfitness of the ship; Consular discharge of seamen without the extra wages; Liability of the master for extra pay to mariners discharged by injuries to the ship, or by stress of weather; If discharged by the decree of a Court of Admiralty; Discharge of any seamen for delinquency, etc.; Penalty for any unjustifiable discharge by a shipmaster; Required consular notice and certificate of every change of persons in a crew; American masters bound to take seamen home, at the request of a Consul, for a limited price of passage; Penalty for refusing to take seamen home at the request of Consul, ...49

CHAP. II. DUTIES RESPECTING SEAMEN.

Importance of special attention to the welfare of seamen; Consuls required to attend to the complaints of seamen on board ship;

Caution to be observed about interfering in the discipline of crews; Subsistence to be allowed to destitute seamen of the United States; Limits of such allowances; Examination of destitute seamen respecting the cause of their destitution; To report the result of such cases; Consuls at certain stations to contract for passages of destitute American seamen, in foreign vessels, or in United States vessels having their quota on board, to the amount of \$50 or \$100 each passage; Duty of Consuls to restrain American seamen from misdemeanors, to reclaim deserters, and discountenance insubordination; What constitutes desertion, and the exceptions; Means allowable to Consuls to reclaim deserters, etc.; Meaning of the term, Insubordination, as intended in the law; A single act not in general sufficient to constitute such insubordination; What shall be deemed a revolt on ship board; When the master may be opposed, seized, or confined; Attempts at revolt or mutiny; What constitutes piracy; Means allowed to Consuls to suppress insubordination, and to secure offenders for trial; Caution necessary in the exercise of consular authority over offenders; Penalty for any neglect to secure an offender; Importance of procuring sufficient evidence against offenders to be sent to the Government; Expenses incurred in securing and sending home offenders, how obtained, 64

CHAP. III. DUTIES OF UNITED STATES CONSULS RESPECTING UNITED STATES CITIZENS IN GENERAL.

Specifications of a passport; Penalty for a false or illegal passport; Purpose of consular certificates; Legal effects of consular certificates; Penalty for any false certificate, and certain exceptions to the admission of consular certificates as evidence in United States courts; Counseling functions; Civil and criminal jurisdiction; To be the protector of all American visitors; Ministerial duties; To surrender the American offenders of foreign powers; To claim sole cognizance of offences at sea by Americans; To prevent Americans from infringing any revenue law, or any belligerent or neutral right; To interchange courtesies with naval officers, ...86

PART III.

DUTIES OF UNITED STATES CONSULS IN RELATION TO PROPERTY; ALSO THEIR FEES AND PRESCRIBED FORMALITIES.

CHAP. I. DUTIES OF UNITED STATES CONSULS RESPECTING INTERSTATE ESTATES OF DECEASED AMERICANS NEAR THEM.

Ancient customs concerning property left by deceased foreigners; The first duty of any United States Consul, concerning interstate estates of United States citizens dying near him; To take possession of the effects of the deceased, and to make an inventory thereof; A copy of the inventory to be entered in the consular records, and another copy to be sent to the Secretary of State; Debts due to or by the deceased, within the consular precincts, to be settled by the Consul; Duplicate receipts to be taken for all sums paid out of the estate; Perishable parts of the estate to be sold immediately; To dispose of other parts of the estate, if necessary for the payment of any balance of claims against it; The remainder of the estate to be sold after one year, and the entire proceeds sent to the United States Treasury; Manner in which the account of the estate is to be kept; To deliver over the effects and papers of the estate whenever required so to do by a legal representative of the deceased; Notice to the State Department when the proceeds of an estate are sent to the Treasury, ...101

CONTENTS.

ix

CHAP. II. DUTIES OF UNITED STATES CONSULS RESPECTING WRECKS OF AMERICAN VESSELS OR PROPERTY.

The classification of wrecks included; Barbarous customs of ancient nations respecting wrecks, and an honorable exception; Modern customs respecting the disposal of wrecked property; United States Consuls required to seek and secure the wrecked property of United States citizens; To take charge of any wrecked property of United States vessels brought within their consular bounds; To publish any reliable intelligence received at the consulate, of a wreck of property belonging to a citizen of the United States; The Consul to allow reasonable salvage for the delivery to him, of any wrecked American property; Authorized to institute proceedings to recover property for United States citizens; If denied such proceedings, then to take evidence of the facts, and send the same to the State Department; To secure from prizes brought into the consulate a per centage for a pension fund; To take care and dispose of any property of any United States citizen, which is within the consulate limits, unrepresented.....107

CHAP. III. ALLOWANCES AND FEES TO UNITED STATES CONSULS.

Allowance for a certificate of a ship's papers; For a certificate of any merchandize delivered; For a certificate of a sailor's discharge; For the settlement of intestate estates; For the payment of a seaman's wages; For services and expenses in a survey; For a passport or visa; For any legal defence of an American seaman charged with any offence against the local authorities, nothing is provided; For postage and dispatches, a conditional allowance; Of notarial fees in general; Commissions for any disbursement or purchase for the Navy; Salaries at Mohammedan ports for United States Consuls; Salaries, etc., to Consuls at London and Paris; No United States Consul allowed to accept any official present; Settlement of accounts with the Treasury and State Departments; Ministerial services paid only by special appropriations.....114

CHAP. IV. CERTAIN FORMALITIES TO BE OBSERVED.

Discretionary authority vested in the Secretary of State to prescribe rules and regulations for Consuls; Of the consular uniform; Of the consular implements; Of the consular records; Of documents received at the consulate; Of commercial returns; Endorsements of communications; Forms of letters by Consuls; Subjects of consular letters; Documents to be sent by Consuls to the United States; Commercial samples to be sent to the United States; To foster sources of commerce; To respect the local authorities; To avoid censoriousness and heedless offences; General Department, ...122

APPENDICES.

APPENDIX I. Act of 1790, for the punishment of certain crimes, 133; Act of 1790, for the government and regulation of seamen, 137; Act of 1796, for the relief and protection of American seamen, 143; Act of 1798, for the relief of sick and disabled seamen, 144; Act of 1802, to amend an act "for the relief of sick and disabled seamen," 144; Act of 1792, concerning Consuls and Vice-Consuls, 145; Act of 1803, supplementary to the "act concerning Consuls and Vice-Consuls," and for further protection of seamen, 148; Act of 1804, in addition to the act "for the punishment of certain crimes," 151; Act of 1810, fixing the compensations of public Ministers and Consuls on the coast of Barbary, and for other purposes, 153; Act of 1813, for the regulation

of seamen on board vessels of the United States, 153; Act of 1817, concerning the navigation of the United States, 153; Act of 1817, authorizing the deposit of foreign ship papers with the proper Consul in the United States, 156; Act of 1829, to provide for the apprehension and delivery of deserters from foreign vessels in ports of the United States, 157; Acts of 1819, 1847, and 1848, relating to passenger vessels, 157; Acts of 1799 and 1823, "to regulate the duties on imports and tonnage," 162; Act of 1825, for the punishment of certain crimes, and for other purposes, 166; Act of 1835, in amendment of the acts for the punishment of offences against the United States, 170; Act of 1835, prescribing the punishments of Consuls and others in certain cases, 172; Act of 1840, in addition to acts regulating the discharge of seamen and the duties of Consuls, 172; Act of 1840, for authenticating certain records, 176; Act of 1848, to carry into effect certain provisions in the treaties with China and the Ottoman Porte, giving judicial powers to United States Ministers and Consuls, 177; Act of 1846, providing for the enforcement of certain stipulations in the treaties of the United States for assistance to the Consuls of Prussia and other powers, 182; Treaties of 1797 and 1824, between the United States and Tunis, 184; Treaty of 1805 with Tripoli, 188; Treaty of 1836 with Morocco, 191; Treaty of 1830 with the Ottoman Porte, 193; Treaty of 1833 with Muscat, 195; Treaty of 1833 with Slam, 197; Treaty of 1844 with China, 198.

APPENDIX II. Circular of the State Department in Sept., 1848, respecting the relief of United States seamen, 203; Instructions from Treasury Department, in August, 1845, respecting the verification of invoices, 205; Formula for any foreign owner's oath of merchandise purchased, 209; Foreign owner's oath, when goods have not been purchased, 211; Consular certificate of the value of invoice currency, 212; Certificate by consignee of the delivery of goods at a foreign port, the oath of the principal officers of the vessel confirming the same, and the verification certificate of the Consul, 212 & 213; Other forms for the same, 213 & 214; Verification certificate by American or foreign merchants, 215; Consul's certificate of a master's oath to the list of those who shipped and sailed with him from the United States, 215; Certificate for the list of the crew still serving, 216; Certificate of the seamen shipped at the consulate, 217; Specimen of shipping articles with the usual conditions, 217; A passport, 221; Forms of a Consul's commission and the consular bond, 221 & 222; Report of distressed seamen relieved at any consulate, 223; Reports of trials before a Consul, in China or any Mohammedan State, in which United States citizens are defendants or plaintiffs, 224 & 225; Report of consular fees received during several months, 226; A Consul's general report, 226.

APPENDIX III. Table of United States and British consular stations and the emoluments at each, 227; Table of fees and expenditures allowed to United States, to British, and to French Consuls, 242, 243, & 244; Comparative tables of the number of consular agents of the United States, Great Britain, and France, and the usual salaries allowed the latter, 244; Ration table for crews of all United States vessels, 244; Weight and value of gold and silver coins, 245—247; Federal and sterling value of various commercial currencies, 248; Equivalents of foreign weights and measures, 249—251; Comparative table of different weights and measures used in the United States, Great Britain, and France, 251 & 252.

PART I.



**INSTITUTION OF CONSULATES IN GEN-
ERAL, AND IN THE UNITED STATES.**

PLATE I

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CHAPTER I.

OF CONSULATES IN GENERAL.

THE origin of Consulates has been supposed, to be nearly coeval with that of commerce. The Greeks, indeed, honored certain distinguished persons at Athens and Sparta, with the office of *Προξενος*, to entertain strangers, and to act, each of them, as a judge or mediator in the disputes of foreign merchants. They also allowed commercial agents of other countries to reside at Athens, and to exercise civil and criminal jurisdiction over the subjects of their respective countries. “The Epidamnians, a colony of Corcyrians, established in Macedonia, on the Adriatic Gulf, appointed a magistrate to regulate their commerce with the Illyrians, a neighboring nation, whose influence they dreaded. Teos, the birth-place of Anacreon, and other towns of antiquity, had magistrates named *Timuques*, whose employment was to superintend commercial affairs. The *Prætor mercatorum* of the Romans, like the

commercial magistrates of the Greeks, decided the disputes of sailors in the cabin of the vessel to which they belonged.”¹ All of these offices have been ~~thought~~ to be analogous to that of a modern consul; but, inasmuch as the peaceful, international traffic of modern times is so widely different from the barbarous customs and piracies of the ancient mariners, we could hardly expect to trace the institution of an office, so peculiarly modern in its purposes as that of commercial consuls, to an earlier period than about the eleventh century, when the republics of Pisa, Amalfi, Venice, and Genoa, by an honorable commerce, arose to the mastery of the Mediterranean, and the hardy Northmen pushed their adventurous enterprises along the shores and across the broad bosom of the Atlantic.

The term Consul² was first officially applied by the Romans, after the expulsion of the Tarquins, to two chief magistrates, annually chosen; and, prior to the tenth century, it was likewise applied, by the republic of Pisa,

(1) Warden's "Origin, Nature, Progress and Influence of Consular Establishments."

(2) From the *Latina Consulendo*, to consult.

to a chief magistrate over maritime affairs, under the title of *Consul de l'art de la mer*,¹ an office similar to that of the judicial consuls, subsequently instituted in France, to regulate the commerce of their own ports.² But the first notice of the term in its present application, appears in the Pisan Code, or *Leggi Pisane*, published in Rome in 1075, from which the famous *Consolato del Mare* was derived, and upon which modern maritime codes have been chiefly based.³

It is well known that Guido, King of Jerusalem, as early as 1190, granted to the people of Marseilles, the right of electing consuls, at Accon, of their own nation, to adjudge and decide all disputes and maritime crimes, arising between themselves and foreigners. At

(1) Azuni, P. 1. ch. iv, §. 7.

(2) Postlethwayt's Universal Dict. of Trade and Commerce. Article Consuls.

NOTE.—The first Judicial consulate in France was established at Tholouse in 1549.

(3) Azuni, P. 1. ch. iv, §§ 34—40. An Essay by D. Francesco Masi, of Pisa, entitled, "Della Navigazione e Commercio, della Republica Pisana. Pisa: 1797."

NOTE.—It appears by the Venice Edition of the *Consolato del Mare*, of 1713, that the Pisan Code received the oath of the Romans, to observe its precepts forever, in March, 1075. They were acknowledged in Acre, in 1111; at Majorca, in 1112; Marseilles, 1162; Genoa, 1186; Rhodes, 1190; Venice, 1215; and Constantinople in 1202.

Constantinople a magistrate of Pisa resided as a consul, with similar functions, and another at Tunis, at an early period, and still another Pisan consul resided at Venice, under the title of *bajolo*. King James, of Arragon, in 1268, granted by charter, to the people of Barcelona, the privilege of choosing among themselves, suitable persons to act as consuls for them in foreign ports.¹ "The Venetians," says Mr. Warden, "in a treaty with the Sultan of Aleppo, secured the privilege of establishing in that town a church, a country house, and a national magistracy (1229). And, during the twelfth century, the Venetians had consuls at Jerusalem, Aleppo, and Alexandria, whose duty it was to support the rights and privileges granted to the Republic, by the Kings of Jerusalem, the Sultans of Egypt, and the Emperors of the East.—The Franks, who at an early period carried on an extensive commerce, had consuls in the Levant, whose decisions were subject to the revision of a superior tribunal. And the Hanseatic League had consular establishments in Mus-

(1) Azuni, P. 1, *ch. iv*, §. 7.

covy, Norway, Russia, England and Flanders." ¹

In the English records, according to Macpherson, the earliest reference to any commercial consulate is an application by a Venetian consul, at Bruges, and an English merchant, which induced the king to take all the merchants of Venice trading to England, Ireland, and his other dominions, under his protection, during one year (1346). ² And the first consular appointment by England was probably when Richard the Third, in 1485, commissioned Lorenzo Strozzi, a distinguished merchant of Florence, to officiate as British consul in Tuscany. ³

Consulates were, undoubtedly, at first designed to protect merchants and mariners, trading in barbarous countries, from unjust and cruel usages; for which reason they

(1) Warden's "Origin, Nature, Progress and Influence of Consular Establishments." pp. 50-69.

(2) *Annals of Commerce*, vol. 1, p. 536, *note*.—Warden, p. 71.

(3) Extract by Warden, from Rymer's *Fœdera*, vol. xii, p. 261.

NOTE.—The title Consul is applied in the laws of Edward

were severally vested, according to treaty stipulations, with almost exclusive jurisdiction over the subjects respectively of the countries they represented, at their stations. But other advantages of the Consular office, becoming soon apparent, with the advance of commercial civilization, nearly every civilized state, since the beginning of the 17th century, has maintained the present consular system.

Commercial consuls are now considered more generally useful to both states and merchants, than almost any other class of foreign agents—ensuring greater facilities and security to merchants and mariners than could otherwise be, and, as sentinels and advocates in all parts of

the Confessor, and in Bracton, (lib. 1. cap. 8.) as it was generally during the middle ages, to a count or earl. But England was near the last of European states to engage in commerce, or to establish commercial consulates. Her first commercial treaty on record was one with Haguin, King of Norway, A. D. 1217. It was near the middle of the 15th century before English vessels visited either Spain or Portugal. And it was still later that any English vessel entered the Mediterranean. The first British consular appointment in Portugal, according to the *Fœdera*, was that of John Stave, in 1633, to be Consul-General in that kingdom. See Anderson, vol. 1, pp. 103, 177; Robertson's Charles V. p. 30 of

the world, standing foremost in the maintenance of their rights, honors, and privileges. They are, as a body, perpetually exploring and gleaning for the public; constantly advancing the interests and resources of trade; diffusing and exchanging the intelligence, arts and sciences of their respective countries; presenting everywhere valuable services and protection to their compatriots, and usually by their cheering associations or generous hospitalities, proffering a partial home in every clime, to the weary voyagers, who venture afar from their native lands, either for thrift, improvement, or Christian love.

We are, indeed, so familiar with the modern association of consulates with commerce, and the beneficial influences thence arising, that we are apt to suppose the former essential and indispensable to the latter; but it is not so in fact, nor is it so regarded by publicists and jurists. No nation is under any obligation, because of allowing* either a free or restricted foreign trade, to receive or recognise any consul, unless it has expressly agreed to do so.¹ Con-

(1) Kent, P. 1. ch. ii, p. 43. ~~Bentley's~~ Lex Merc. Red. art. Consul, p. 280.

Reception of
Consuls not
obligatory.

↓

suls are nevertheless sometimes appointed, without previous stipulations, and are allowed to act as other consuls do, in ordinary matters, by mere sufferance.¹ Great Britain rarely stipulates with any but the Barbary powers for any special favor for her consuls; nor does she allow any foreign consul to exercise exclusive judicial powers within her realm. But whether a consul act by sufferance, or by formal agreement, his reception, his recognition, and his continuance in office, must depend upon the pleasure of the Government, having the greater right of refusal.

When the reception of consuls is previously agreed upon, the requisite credentials for their authentic action are very plain. Each consul is supplied with a commission from the minister of state of the Government appointing him, to which is sometimes added a letter of commendation; and when the former has been presented to the Government of the country in which the consulate is to be, through the hands of the minister or the *chargé d'affaires*

Appointment
and authority
to act.

(1) Kent, P. 1, bh. ii, p. 42.—Mansfield, Chf. J. in *Waldron vs. Ocombe*, 3 Taunton, 162.—1 Chitty, 50, 51.

of the consular flag, if either reside in the country, or, if otherwise, through the favor of the minister of state of that country; then if no personal objection be made, the consul's recognition and authority to act is signified to him, by the return of his commission, with a state certificate called an "*exequatur*,"¹ and a publication in some form, of the consul's official recognition.²

The authority of the *exequatur* may be, and often is anticipated by the local governor of the port or ports of the intended consulate, and the appointee allowed temporarily to hoist his consular flag, and to officiate immediately under it, as if accredited; but it is subject to reversal, and all the consular acts under such authority may become invalid, if no *exequatur* be granted; as in fact, if it be granted, the license to act, with the *exequatur*, may at will be withdrawn by the Government which issued it.

By special stipulations, such as are usually

(1) This Latin word, literally signifying "is considered equal," here means, permission or assent.

(2) Martens' Summ. of L. of Nations, B. iv., ch. iii., § 8.

Jurisdiction
and functions
ordinary
and extra-
ordinary.

made with Pagan or Mohammedan powers, consuls are sometimes vested with something like ministerial powers and prerogatives, and occasionally even with exclusive civil and criminal jurisdiction over the subjects near them of the countries they respectively serve.¹ Civilized nations generally suffer foreign consuls to supersede their local jurisdiction over the private vessels and crews of the respective countrymen of such consuls, wherein the peace of the port and the rights of its inhabitants are not disturbed; as they likewise according to international custom, waive all local jurisdiction over foreign public ships and crews of nations in amity. Thus the French Council of State, in 1806, expressly pronounced the law of France to be against the jurisdiction of the French local tribunals and authorities respecting the interior disci-

(1) Chitty, 71. Wheaton's Internat. Law. 3d. Edit. P. ii. ch ii, § 11. Shaler's Sketches of Algiers. pp. 39, 307.

NOTE.—Even where a consul is expressly allowed exclusive jurisdiction over his consular subjects, in criminal cases, his jurisdiction is limited to offences involving the infliction of pecuniary penalties only, as in cases of higher crimes he can only act as a kind of police magistrate to collect the documentary and other proofs, and to send them, with the prisoners to his own country for trial.

pline, crimes or offences of the officers or crew of any foreign merchant vessel, by which the peace of the port should not be disturbed or threatened.¹ But ordinarily, in the most enlightened countries, where consuls are publicly received, they are in nowise regarded as state ministers, charged with diplomatic or negotiatory powers, or even as special subjects of international favor.² They are recognised by jurists internationally, only as commissioned agents for the notarial benefit chiefly of a certain class of subjects, and not as representatives of their respective nations.

They were formerly persons, eminent in
Elections
of former
consuls. mercantile ability and information,
 who were elected by the mer-
 chants in foreign ports, whose
 country they were to serve, though commis-
 sioned by ministers of state; and they so
 continued to be elected, and of such qualifi-
 cations, until as in England, according to the

(1) Wheaton's Intern. Law, 3d. Edit. P. ii, ch. ii, § 9.
 Ortolan *Règles internationales de la Mer*, tome 1, pp.
 283, 298. 7 Cranch's R. pp. 135, 147.

(2) Kent, P. 1. L. ii, p. 44. Vattel, B. 2, c. 2, § 34.
 Martens' *Summ. B.* iv., ch. iii., p. 156.

author of the *Lex Mercatoria Rediviva*,¹ through the corruption of court favor and influence, ministers of state established a claim to dispose of all offices of honor and profit, and thenceforth appointed men from home to act as consuls without regard to the wishes of the merchants whom they were to serve, or to their fitness for the office. This change in the mode of appointing consuls, and in the rank of persons from whom they were appointed, has probably added dignity to the office; and where it has induced the allowance of competent salaries to consuls, as in England, France, and other great nations, it has probably divested the office from many temptations to partiality and speculation which otherwise must have been expected.

At every station, there are certain gradations of rank observable among consuls of different nations, upon certain ceremonial occasions, when consuls-general claim precedence over all inferior consuls, and those of the same grade nominally have precedence over each other

Rank of
Consuls
relatively.

(1) Beawes, *Art. Consuls*, p. 279, fol.

According to priority of commission in that order. These distinctions of rank, among consuls are sometimes important, and occasionally a consul may find it advantageous to maintain his right of precedence; but generally in enlightened countries, that great part of nobility, derived from nature and education,—a noble and elevated mind, refined and adorned by culture and Christianity,—will ensure the possessor, whether he be consul-general, vice-consul, or merchant, ample influence with his countrymen, credit at home, respect from all classes abroad, and a high rank, with honors and civilities, among the noblest and the best.

It is customary to allow certain privileges in civilized countries, to all foreign consuls of friendly nations. Each of them is usually entitled to a free room for the furniture, luggage and necessary goods for himself, his family, and suite, upon his first appointment; an exemption from the local and government duties upon a reasonable supply of all articles of consumption for himself and family; a seat on the bench with the magistrates of his station, when obliged to appear as counsel for the subjects of his consu-

late; an exemption from lodging the military in his house; a guard or the aid of the police force to assist him, when required, in the enforcement of his consular authority, over transient subjects within his consulate;¹ and several other incidental privileges, varying in different countries. He is entitled to special respect for the flag and functions with which he is charged, and may claim the distinction of being invited to attend a session or court of local magistrates, when his presence is required, instead of being called by summons or citation.² He may be permitted, when neither a minister nor a chargé d' affaires of the country he serves is present near the court, to act ministerially, in cases of emergency, so far as to open a correspondence directly with the proper minister of the court, within whose sovereignty his consulate is, in defence or on behalf of his countrymen.³ He cannot, however, even then be entitled to the *jus gentium*, or ex-territoriality of ministers.

(1) Wicquefort's, *L' Amb. b. 1, c. 5.* Bynk, *de foro legat. c. 10.* Martens' *Summ. B. 4, c. 3, § 8.* Beawes' *Lex Merc. vol. 1, tit. Consuls.* Pardessus, *tom. 4, pp. 148, 183.*

(2) Beawes' *Lex Merc. R. p. 282.*

(3) *Id. Gernon v. Cochran.* Bee, 209.

Consuls may claim for themselves and countrymen the private use of bibles and other religious books, forbidden by law to native subjects; but they are not allowed, like ministers, to exercise publicly, within their own houses, any religious worship essentially different from that of the government and country in which they act.¹

Vattel maintains that consuls ought to be exempt from the *civil* jurisdiction of the government near which they reside,² and only otherwise amenable for enormous crimes.

Holland, it appears, soon after the revocation of the edict of Nantz, maintained against France, that her consuls were a sort of public ministers, entitled to ministerial exemptions.³ Warden, indeed, cites some French cases to show that it had been held in France, that in general, a consul cannot be prosecuted without the previous consent of his government.⁴ M. De Steck advocates ministerial

(1) Martens' Summ. of Law of Nat. B. iv, c. iv. § 8, *note*. Wheat. P. iii., c. i. p. 292

(2) B. 2. c. 2. § 34.

(3) D'Avaux, *Mémoires*, T. 5, pp. 171, 210.

(4) Kent, P. 1, Lect. ii. p. 45; Warden on "Consular Establishments," pp. 108-116.

exemptions for consuls, on the ground of a long list of privileges granted by commercial treaties in Europe, since 1604;¹ and M. Calliere and M. Borel contend for consular exemptions from criminal prosecutions at their official stations, though all the three authorities last named, admit that consuls, even in the Barbary States, are subject to civil process. These presumptive privileges, if allowed at all, could be only exceptions, permitted by courtesy or express agreement.

There is now no principle better established among civilized nations than this, that consuls usually are as much subject to the civil and criminal jurisdiction of their stations, as any other class of foreign residents. The legal writers and jurists of England and America have frequently declared this doctrine.² In 1794, upon the complaint of the British Consul, at Norfolk, Virginia, against certain

(1) *Essai sur les Consuls*, § 7, pp. 62, 63.

De l'Origine et des Fonctions des Consuls, Ch. 4, p. 40, St. Petersburg ed. 1807.

(2) Wiequefort's *L'Amb.* b. 1, c. 5, p. 63; Bynk. de foro legat. c. 10; Beawes', *Art. Consuls*; Pardess, tom. 4, pp. 148, 183; Martens' *Summ.* b. 4, ch. 3, § 8; Kent, P. i. L. ii. p. 44; Wheaton, P. i. ch. ii. § 11, p. 163; the *Anne*, 3 Wheat. R. 425; *Ward v. B. & M.* 10 B. Mon. 177.

citizens for assaulting his house, it became a question whether the offence was included in the act of 1790, for the punishment of "any infraction of the laws of nations, by offering violence to the person of an ambassador or other public minister," and the Attorney General, Mr. William Bradford, declared the government decision to be, that consuls are not entitled to ministerial privileges.¹ In 1797 citizen Letombe, the accredited consul general of France in the United States, being sued and held to bail on a contract, appealed to the Secretary of State, for the intervention of the Executive in this case, on the ground, assumed by him, of ministerial exemptions; but Mr. Attorney General Charles Lee, informed him that, as a consul-general, which was the only capacity in which he was recognized, he was not privileged from any legal process.² And in the United States Circuit Court, before Judges Iredell, Wilson and Peters, in the case of a Genoese consul, it was held that he was not privileged from prosecution, even for a misdemeanor, by virtue of

(1) Opinions of U. S. Attorneys General, p. 23.

(2) Opinions of U. S. Attorneys General, p. 45.

any consular right.¹ In England, in the tenth year of the reign of George II. Lord Chancellor Talbot pronounced a similar decision in the case of a Prussian commercial agent, named Barbut.²

Privileges and liabilities of foreign consuls in the U. S. Consuls in the United States are so far privileged, by special law,³ as to be subject only to the courts of the General Government. Accordingly, a foreign consul in the United States can take exception to the jurisdiction of any local or state tribunal,⁴ in any pro-

(1) 2 Dallas, 299, and note. U. S. vs. Ravara. See also the Commonwealth vs. Kosloff, 5 Serg. & Raw. 545; 1 Chitty, 70; S. P. *State v. De La Foret*, 2 N. & M. 217.

(2) Talbot's Cases, p. 281, et seq. Also see Viveash vs. Becker, 3 Maule & Selw. 234; Clarke vs. Cretico, 1 Taunton, 106.

(3) The Constitution of the U. S. (Art. iii. § 2,) declares: "In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the Supreme Court shall have original jurisdiction." The term "*original*" is here understood to mean *exclusive* only of state and local courts, but not of the Circuit, District, or any other court, established by Congress with such jurisdiction. Act of Cong. Sept. 24, 1789, §§ 9, 11, 13. *Cohens vs. Va.* 6 Wheat. 692. *Commonwealth vs. Kosloff*, 5 Serg. & Rawle, 545. *Manhardt vs. Soderstrom*, 1 Binn. 138, 143. *Hall vs. Young*, 3 Pick. 80. *Sartori vs. Hamilton*, 1 Green, 107. S. P. 17 Johns, 10.

Contra: *State vs. De La Foret*, 2 N. & M. 217. Opinion of Judge Todd in case of U. S. vs. Ravara, 2 Dall. 297.

ceeding or suit against him, if issue be taken thereon, and the fact of his consulship has been set up in the pleadings, and may be confirmed by sufficient evidence.¹ Every foreign consul in the United States is authorized by express law, to have the custody of the ship's papers of all subjects of the nation which appointed him, provided that nation allows such a right to consuls of the United States ;² and he is required by law, under a penalty, upon conviction, of being fined not less than five hundred nor more than five thousand dollars, to retain such papers until the ship-master, claiming any of them, shall produce to him a clearance, in due form, from the collector of the port where his vessel entered.³

By the Act of 1789, every foreign consul has the right to institute and prosecute any just suit in either of the courts of the United States, having competent jurisdiction of the matter.⁴ But this grants no right to a neu-

(1) Hall vs. Young, 3 Pick. 80

(2) Act of U. S., March 3, 1817, § 1.

(3) Act of U. S. March 3, 1817, §§ 1 and 2.

(4) The London Packet, 1 Mason, 14; Gernon vs. Cochran, Bee, 209.

tral consul to set up a claim for any a violation of the territorial jurisdiction country, without a special authority so from his government.¹ Foreign cons any nation at peace with the United are entitled by act of Congress, to ob the employment of any seafaring man, a citizen subject of such a nation, on be any public or private vessel of the States; they may claim to be present, such case, when the proofs of citizenship investigated by the commander or col and they may recover, by action o against any commander who knowing ploys such a seaman, against a just p tion, one thousand dollars, if the defend a commander of a public ship, or five hundred dollars if he be in command of a vessel, one moiety thereof for the cor ant, and the other for the use of the States.²

The right of any foreign consul to the aid of a magistrate, or any authorit petent to issue a warrant to arrest a d

(1) *The Anne*, 3 *Wheat.*, 435.

(2) Act of U. S. March 3, 1813, ch. 184, §§ 6, 7

from any ship of his country, depends upon express treaty stipulations to that effect ;¹ but such stipulations are so common between amicable maritime nations as almost to amount to an established custom, admissible by implication.

(1) Act of U. S., March 2, 1829, § 1.

CHAPTER II.

OF UNITED STATES CONSULATES AND THE INITIATION INTO THEM.

The special authorities and duties of consuls depend upon the sources of authority for the guidance of U. S. Consuls. treaties, enactments, and accordant instructions of their respective States. The United States have commercial treaties with all the maritime powers, in some of which express conditions respecting consulates are specified; they have likewise several 'enactments'¹ upon the subject, passed at different periods; and from time to time, particular directions have been issued by the State Department, in the form of circulars.² To each and all of these sources, as well as to international law, the Ameri-

(1) Acts were passed concerning consuls, in 1792, 1803, 1810, 1813, 1817, 1823, 1825, 1835, 1840 and 1849.

(2) These circulars were collated and printed together, as a pamphlet, entitled "General instructions to the consuls and commercial agents of the United States. Washington: 1838." Some portions of this collection are now obsolete, and no law can be applicable or binding which conflicts with any treaty article between the persons concerned, or with any law of Congress.

can consul must apply for his guidance, and never act, in any emergency, except in defence of himself or his flag, without having studied attentively the purport of these authorities upon the question.

Qualifications. In the United States there are neither laws nor regulations designating consular qualifications, except such as may be implied from the assigned duties of the office. In this as in other appointments of this government, whether by nomination or election, it is left chiefly to the discretion of the appointing power to determine upon the fitness of the candidate, as it is presumable that different countries, times and circumstances might require various abilities and experience in the agents, which could not well be anticipated by positive laws. We may, however, reasonably infer, from the nature of the office, that a consul should bear an unblemished and honorable character; have a courteous, dispassionate manner; be energetic in his habits, and possessed of an intelligent, observing, discriminating mind. He should be well acquainted with international and maritime law, or, at least, with the rights of merchants, ship-masters and seamen.

And if, besides these qualifications, he has some experience in the application of the rules of evidence in taking depositions; an understanding of the language used by the court and magistracy of the country, where he has to officiate; and some knowledge of the natural sciences and history, his fitness must be greatly superior to any other not so accomplished.

The regulations of the British government require that a consul shall be "acquainted with the language, and with the municipal laws of the country wherein he resides, and especially with such laws as have any connexion with the trade between the two countries;" and that he shall "become conversant with the laws and general principles which relate to the trade of Great Britain with foreign parts, and the principles of international law."

The French government has heretofore seen fit, in order to have well qualified consuls, to sustain a regular system of public instruction, for training candidates through several degrees of promotion, to serve as consuls and ministers. There has been therefore a corps of *élèves consuls*—consular cadets—in

France, required to be licentiates in law, not less than twenty nor more than twenty-five years of age, who are usually attached to the French consulates and legations when prepared, as *chanceliers*, or registers. Naples also has her *elevés consuls*, (*alumni consulari*,) who are required, before their appointment, to be versed in statistical geography, commercial jurisprudence, and maritime law.

The policy of establishing different grades of officers in our consulates abroad, including registers or clerks, vice-consuls, independent consuls, consuls-general, and commissioners, to be appointed permanently, and promoted according to merit or experience, with an adequate gradation of salaries, has repeatedly been considered by committees of Congress in the United States; but, although admitted to be desirable that our consuls should be appointed for long periods, it is generally thought to be unnecessary and unwise, in a republic, for the government to select and educate the sons of favored citizens for such offices, honors and emoluments, while suitable subjects, highly accomplished, are always ready to accept them.)

It has also been questioned, respecting the

qualifications of consuls, whether they ought ever to be either mere merchants, or foreigners. The decision of these questions must evidently depend upon circumstances, and in the United States it is very properly left to the discretion of the appointing power. Our authorities, however, might reasonably be guided in these matters, by the experience of Great Britain, whence we originally derived our consular system. The greater part of the English consuls, holding commissions under the crown, previous to 1814, were merchants at their several consular stations, mostly dependant upon fees, levied upon the tonnage of British ships and cargoes, for their emoluments. A new system was introduced by act of Parliament in 1829, substituting liberal salaries for the consular fees, and declaring that "British consuls should not be in any way concerned, directly or indirectly, in commercial pursuits." This proved to be an unsatisfactory experiment, and, by an act of Parliament, in 1832, a great reduction was made in the consular salaries at several stations, and permission granted them to engage in commercial pursuits.¹ Now the majority

(1) *Cyclopædia of Commerce, &c.* by Wm. Waterston, Esq. London, 1844.

of the British consuls depend as before, mostly upon their official fees and mercantile pursuits for their remuneration ; and although they are generally British subjects, they are not invariably so, nor is there any rule restricting such appointments to subjects of the crown.

It is obvious that at several foreign ports, there is not sufficient of American commerce to support any consul by fees alone, at either of them, and no peculiar or very important duty with which a foreign merchant residing at the station, might not as well be entrusted as an American, especially in any country where an American minister or chargé d'Affairs is established.

At Mohammedan, Chinese, and similar ports, where American consulates are vested by treaty stipulations, with civil and criminal jurisdiction over all American subjects present, such offices should undoubtedly be filled by American citizens only ; and, if available for those stations, Americans possessed of judicial abilities, *cæteris paribus*, should be preferred. Moreover, at every foreign port whereat there is a large trade with the United States, it is important that the United States

consul there should not only be one of our own citizens, of a high degree of abilities and patriotism ; but as it is at each of our consular stations in the Barbary states,¹ he should have sufficient salary for a liberal support, and have no share of any trading vessel there, nor in any commercial establishment, so that he may be beyond the suspicion of any pecuniary interest or partiality in his official acts. But ordinarily, the qualifications most desirable for American consuls are and ought to be chiefly commercial ; and at many ports the American merchants already established at those ports respectively, are the most suitable candidates for consular appointments, even though they should occasionally make their consular business secondary to their commercial interests.)

The mode and conditions of U. S. consular appointments. United States consuls are appointed usually through the influence or selection of the Secretary of State, by the President, with the consent of the Senate.² But no commission can be granted to any person thus appointed, until

(1) Act of U. S., May 1, 1810, §§ 1, 4, & 5.

(2) U. S. Constitution, Art. ii § 2, cl. 2.

he has executed and sent to the State Department a satisfactory bond, with two sufficient sureties, approved by a certificate of the United States Attorney of the District wherein they reside, for not less than two thousand nor more than ten thousand dollars, "conditioned for the true and faithful discharge of the duties of his office, according to law, and also for truly accounting for all moneys, goods, and effects," which may come officially into his possession.¹ And if the consul, at the time of his appointment, be a resident of the country to which he is appointed, his consular bond must be transmitted to the United States for the purpose of being executed as before stated, by sureties who are residents of the United States.²

The Commission and De- When the consul's bond is acceptably executed, he will receive parture. general and special instructions

(1) Act of U. S., April 14, 1792, § 6.

(2) General Instructions to Consuls, 1838. ch., 1, art. 1.

NOTE.—No surety, under the above law, is liable for moneys remitted to the consul for any purpose not comprehended within his consular duties; nor is either the consul or his surety, answerable in a contract made officially for his government, as in drawing a bill of exchange upon it; and in any action against a consular surety, under the Act, the burden is on the plaintiff to prove that the consul was unfaithful in the discharge of his prescribed duties. *Jones vs. Le Tombe*, 3 Dallas, 384; *U. S. vs. Bell, Gilpin*, 41.

from the State Department, and his commission will be sent to the American minister or chargé d'affairs in the country of his appointed consulate, if any there be, or, if otherwise, to himself. He will then be expected, after supplying himself with a suitable uniform, to embark with despatch; and to inform the State Department of the vessel in which he takes his departure.

Upon his arrival at his station, the consul is required to notify the state department of his government, and the minister or chargé d'affaires, if any there be near the government of the country to which he is sent, of that fact; and to inform the proper authorities of the port or district to which he is sent, of his appointment. And if no ministerial representative of the American government reside in the country of his consulate, then according to the custom before mentioned, he should forward his commission, which he would have in his own charge, in such a case, to the Minister of Foreign Affairs of that country, and respectfully request an exequatur.

In the mean time, by permission of the lo-

Immediate duties upon arriving at the Consulate.

Formal authorities, he may act, in carrying to act. ses of emergency, as a commercial agent; but he can perform no act as consul, until his recognition in that capacity has been published in some form, by government authority, or until his exequatur is granted and received. Then he may take charge of the seal, archives and effects of his consulate, and hoist the flag of his country, if not already raised, as the signal of his authority, his dignity and protection.¹

With the effects he will include and take possession of any funds in the hands of his predecessor, if any there be, except the proceeds of the effects of an American who has died intestate more than a year, for which his predecessor, is responsible and should have accounted to the Treasury of the United States.² And of all the effects and records appertaining, he should make an inventory, or verify a former one, and transmit to the state department of the United States, a copy of whatever portion of the inventory has not already been communicated to that department.

(1) Circular of the department of July 1, 1838.

(2) Act of April 14. 1792. § 2.

He should also immediately inform the department of his establishment in office, and give notice thereof to the minister and consuls of the United States ~~States~~ within the country wherein he is stationed, and to consuls of the United States in neighboring parts of other countries.

After these preliminaries are accomplished, his presence at his station will be at all times necessary, and he should never be absent, except in case of great emergency, or by permission of the state department of the United States; or of the U. S. diplomatic agent near the government of the country in which he resides.

If the consular district include several seaports, too distant for one person to serve, the consul should appoint as many agents as he thinks necessary for such ports, preferring those not engaged in commerce, when otherwise suitable, and especially American citizens. Of every such appointment the consul should immediately give notice to the minister of the United States, near the government of the country wherein he resides, to the local authorities of his residence, and to the state de-

Notices of establishment in office.

Leave required for any absence.

Appointment of Vice-Consuls and agents.

partment of the United States. He alone will then report to the government the proceedings of those consular agents, and he alone must be held responsible for all their official acts.

PART II.



DUTIES OF U. S. CONSULS

IN RELATION TO PERSONS.



SECRET

SECRET

SECRET

CHAPTER I.

DUTIES RESPECTING SHIP-MASTERS.

The ordinary duties assigned to every American consul, concerning persons, are usually classified into those which respectively relate to ship-masters, to seamen, and to American citizens in general, within the consular district, of which the most important are probably those concerning ship-masters, which shall therefore be first noticed.

By a congressional act of 1803,¹ it is made the duty of every master or commander of a ship or vessel belonging to citizens of the United States, on his arrival at a foreign port, to deposit his register, sea-letter, and Mediterranean passport, with the consul, vice-consul, commercial agent, or vice-commercial agent, if any there be at such port, under a penalty, in case of refusing or neglecting so to do, of five hundred dollars, to be recovered by the

(1) Act of February 28, 1803, ch. 62, § 2.

consular agent of the port, "in his own name, for the benefit of the United States, in any court of competent jurisdiction." It has been held that this requisite does not apply to masters of vessels which merely touch at a foreign port without any formal entry, or commercial business,¹ nor to those of vessels accidentally driven in;² but any American merchant ship-master who intentionally puts into any foreign port, if it be only for advices, is liable to the conditions of this act.

In case the master complies with the law, the consul or agent receiving the papers should give a certificate thereof or a receipt under seal, and make an entry in his consular record, of the name of the vessel, the master's name, a description of the papers received, and of the time of their delivery at his office. The papers should then be deposited in a safe place, secure from fire, and there kept until the master claiming them has paid the usual fees and complied with every lawful requisition of the

(1) *Toler vs. White*, Ware, 277.

(2) *Parsons vs. Hunter*, 2 Sumner, 491, and Act of 1790 on Limitations, c. 36, § 31.

consul and the local authorities, and has presented the clearance of his vessel. The master is then entitled, with his papers, to a consular certificate under seal, of the time of such return of papers, and the same should be entered in the record.

Whenever any ship-master, who is liable, delays the delivery of his papers, in a foreign port, he should be promptly apprised by the consul of the requisitions of the law, and of the penalty he incurs by refusal or neglect. Then if he fail to comply, a certificate of the fact, under the consular seal, must be immediately sent to the state department of the United States, specifying a description of the vessel, the port to which she belongs, and the usual residence of the master. In such a case, it is desirable that the consul should send some other evidence of the arrival and departure of the delinquent master with his vessel, besides that of his own certificate, as it has been held that such evidence of that fact is not sufficient.¹ The proper remedy in law, to recover the penalty, is an action of

When a ship-master delays or neglects to deliver his papers.

(1) *Levy v. Burley*, 2 Sumner, 355.

debt in the name of the consul,¹ which must be brought within two years, according to the limitations of the act of 1790.²

Every ship-master of the United States is required to have with him a certified copy, from the collector of the port whence he sailed, of his shipping articles and crew list, with the oath or affirmation of the captain, annexed to the latter, that the said list contains the names of his ship's company, together with their places of birth and residence, as far as he can ascertain them. He is also required to enter into bonds, with sufficient security, in the sum of four hundred dollars, that he will exhibit the aforesaid certified list, and the persons named therein, upon his return to the United States, to the first boarding officer, except those of the list who have died, or absconded, or been forcibly impressed into other service, or discharged in a foreign country with the consent of the consul, vice con-

(1) *Parsons vs. Hunter*, 2 Sumner, 419.

(2) Act of Cong. 1790, c. 36, § 31.

NOTE.—It seems to be an unsettled question, in such a case as the above, where a consul sues in his own name for the United States, whether he is liable for the costs. *Levy vs. Burley*, 2 Sumner, 315.

sul, or commercial agent, of which satisfactory proof can be exhibited to the collector.¹ This certified crew list is to be presented by the ship-master in any foreign port, to the consul or commercial agent there, whenever any change is to be made in that list, which, for the credit of the master, should be in the same handwriting throughout, with no erasure, interlineation, nor mark thereon,² except by a consul or some other agent designated by law.

Then whenever a vessel belonging to a citizen or to citizens of the United States shall be sold in a foreign country, or be found unseaworthy in consequence of some decay or defect at the inception of the voyage, and therefore her company be discharged ; or when any mariner, being a citizen of the United States, shall with his consent, be discharged in a foreign country, by the master, from a registered vessel of the United States ; or if any such mariner shall claim it and be discharged on account of unusual and cruel treatment, fairly

(1) Act of U. S., Feb'y 28, 1803, ch. 62 § 1.

(2) Act of U. S., July 20, 1840, § 1 and 8.

proven, even though he may have deserted for the same and been retaken by the consul;¹ it shall be the duty of the master or commander to pay to the consul or commercial agent there, if demanded, for every such seaman or mariner, designated on his crew list as a citizen of the United States,² who has been discharged as before stated, three months' pay over and above the wages which may then be due to such mariner.

Of this sum, for three months' extra wages, two-thirds are to be paid to each seaman so discharged, upon his *engagement*, on board of any vessel, to return to the United States, provided he has not, in the mean time, by long detention, become a charge to the consulate, in a sum nearly equivalent thereto, which should be deducted.³ The other remaining third should be kept for the formation of a fund,

(1) Act of U. S., of July 20, 1840, ch. 23, § 17; *Elwell vs. Martin*, Ware's R. 53.

(2) It is sufficient to entitle a mariner, in such cases, to the benefits of the above provisions for *citizens* of the United States, if his name appear among those of American citizens in the master's copy of the crew list, or shipping articles. *Orne vs. Townsend*, 4 Mason, 541. *Mathews vs. Offley*, 3 Sumner, 115.

(3) General Instructions and Circular of 1848.

(to be semi-annually accounted for with the Treasury,) for the maintenance of American seamen, who may be destitute within the consular district; and the Secretary of State has directed consuls, instead of paying for the passages of discharged seamen out of that fund, to give a certificate of the passage agreed upon for each seaman sent home, to the master who takes him, which passage money, when the certificate has been endorsed by a collector of any port of the United States, that the seaman named therein has arrived within his district, and the same has been sent to the Treasury Department, will be paid, as agreed upon in the consular certificate.¹

Any American consul, or agent acting in that capacity, in a foreign port, is also authorized to demand the discharge of any person named in the crew list and shipping articles of an American vessel, at his request, and to claim the extra three months' wages for the same, whenever there

To claim a discharge in case of any deviation of the voyage, or of unfitness of the ship, &c.

(1) Act of U. S., Feb'y 23, 1803, ch. 62, § 4, and the Circular of 1848.

is an *intended* evitable deviation,* by the master, of the voyage contemplated in the mariner's contract.¹ And if it should appear, upon a survey by two suitable persons, appointed by the consul or agent acting as such, at the request of a majority of an American crew, that the vessel to which they belong, either by neglect or design, was at the time of leaving the home port, and continues to be, unseaworthy or dangerously deficient in rigging, furniture or stores of any kind, those of the crew who desire it, may be discharged and entitled to their portion of the three months' extra pay, through the hands of the consul or agent, and the master shall be liable for the expenses of the survey;² or if any leak or damage to the ship, or unreasonable deficiency in provisions of any kind occur,

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* NOTE.—To constitute a deviation there must be a wilful divergence, without any just or human reason, from the usual or most direct course of sailing to the port of original destination, or an unnecessary, and unusual detention in the course, except to save human beings. 1 Marsh. on Ins. 198; Abbott on Ship. 364; 8 Pick. 360; 6 Law Rep. 363.

(1) Act of U. S., of July 20, 1840, ch. 23, § 9; the *Cambridge*, 2 Hagg. Adm. R. 243; 2 Cranch, 257, N.; 10 John, 79. 3 Hagg. R. 182 and 248.

(2) *Idem*, §§ 12, 13, 14 and 15. *Dixon vs. The Cyrus*, Peter's Adm. R. 407. See also Curtis's *Rights of Seamen*, ch. 11, p. 23.

from accident or mistake, which could not readily have been foreseen or obviated before sailing, and the master in a foreign port refuses or is unable to amend or supply the same, the crew may be discharged by the consular agent, and each receive in that case, one months' wages extra ; but in any case of survey at the request of a majority of the crew, if it prove to be without a good and sufficient cause, the expenses of the survey and reasonable damages for the detention may be deducted by the master, pro rata, from the wages of the crew.¹

The Act of 1840 empowers any American consul or commercial agent, when both the master and mariner agree to the same, to discharge the latter in a foreign port, if he thinks it expedient without requiring the payment of the three months' wages, or any sum of money therefor, provided that some arrangement be made instead, by which the United States shall be secured from any liability in favor of the said mariner.

Consular discharge of seamen without the extra wages.

(1) See note 2 on preceding page.

According to the purport of the laws before mentioned, no ship-master or owner is liable for the payment of the extra *three months' wages* to any member of his crew, discharged by the loss of his ship in a tempest, or when the ship is rendered unseaworthy by accident or stress of weather beyond restoration, within a reasonable portion of time and expense, for which exemption it rests with the owners to prove that she could not be so repaired. But, in any such case, the proceeds of the ship, or the owners, are liable, and must pay to each seaman so discharged, a sum in addition to his wages, to defray the expenses of his passage home.¹

No extra wages can be recovered by any member of a crew, discharged in consequence of a decree of a Court of Admiralty. If discharged by the decree of a Court of Admiralty. Court of Admiralty, disposing of the vessel to which they were attached

(1) The Dawn, Ware's R. p. 425, and Append. of Curtis's Rights and Duties of Seamen.

NOTE.—The State Department has held that, in such cases, the three months' extra wages are due, and the master is liable for the same to the consul for each mariner so discharged.

though after a ship is released from an Admiralty decree, if any of her previous crew be then discharged, he will be entitled to two months' extra wages.¹

If a seaman of an American vessel desert without sufficient cause, or be absent more than forty-eight hours without leave, or any promise of amendment, or become disqualified by habitual drunkenness, or ungovernable passions, or be *actually* dangerous to the peace and safety of the ship,² he may, in any such case, not only be discharged, with the certified consent of the consular agent, but generally be subject to the forfeiture of all the wages due to him at the time, and of all the goods he may leave on board, or in store. But, in either of the foregoing cases, the certificate of a consul that the seaman was discharged with his approval, though sufficient to exempt the master from the penalty of his bond, will be no bar to the seaman's action for damages.³

(1) *The Saratoga*, 2 Gallison's R. 164.

(2) *Hutchinson vs. Coombs*, Ware's R. 65; *The Nimrod*, Ibid 9; 12 Serg. and R. 266; *Black vs. The Louisiana*, 2 Peter's Adm. R. 268.

(3) *Hutchinson vs. Coombs*, Ibid.

On the other hand, if any master of an American ship abroad "shall, Penalty for any unjustifiable discharge by a ship-master. maliciously and without justifiable cause, force any officer, or mariner of such ship or vessel, on shore ; or leave him behind, in any foreign port or place ; or refuse to bring home again all such of the officers and mariners, of such ship or vessel, whom he carried out with him, as are in a condition to return, and willing to return ;" he, the master so offending, on conviction thereof, "shall be punished by fine, not exceeding five hundred dollars, or by imprisonment, not exceeding six months."¹

Whenever an American seaman is discharged as before mentioned, in a foreign port, of which the discharging officer is required to make an entry upon the crew-list and the shipping articles,² the consul, or agent acting as such, must give a certificate of the fact under his hand and official seal, to the ship-master, if with his consent, or to the mariner

(1) Act of 1825. ch. 276, § 10: *United States vs. Ruggles*, 5 Mason's R. 192. *United States vs. Coffin*, 1 Sumner's R. 394.

(2) *Act U. S.*, July 20, 1840, ch. 23, § 7.

discharged, if without consular consent.¹ And if any mariner be shipped in a foreign port, on board of an American vessel, the consul there or person acting as such, shall annex his name upon the duplicate crew list of that vessel, describing his person; "and thereupon the bond originally given for the return of the men, shall embrace each person so shipped."²

The Act of 1803 further provides that the master of any vessel, registered in the United States, and bound to some port of the same, at the request of an American consul, or agent acting in that capacity, in a foreign port, shall be required to transport to the United States, under a penalty of one hundred dollars for each man refused, all destitute or other American seamen left in the care of the consul or agent, not exceeding two for every one hundred tons burthen of his vessel or ship, and for such terms, not exceeding ten dollars for each person taken, as may be agreed upon between the said mas-

American masters bound to take seamen home, at the request of a consul for a limited price of passage.

(1) Act of U. S., Feb'y 28, 1803, ch. 62, § 1.

(2) Act of U. S., July 20, 1840, § 4.

ter and consul or agent.¹ The consul or agent, is the exclusive judge in such cases, of the ship in which he will send destitute American seamen to the United States, under the conditions named,—and if any seaman to be sent home has deserted from a ship lying in the same port with the ship in which he is to return, the master of the latter will have no justification on that ground, for refusing to comply with the consular request to return the mariner in question to the United States.²

And, in case of refusal by any American ship-master to do as herein required, the certificate of the consul or commercial agent, under his hand and official seal, shall be *prima facie* evidence of the refusal, and of all the facts necessary for the recovery of the

(1) Act of U. S., Feb'y 28, 1803, ch. 62, § 4. It is always understood, and legally allowed, that any passenger or seaman taken in this manner, may be governed, and made to work, according to ability, as if a member of the regular crew. *United States vs. Sharp*, 1 Peter's Cir. C. R. 118.

(2) *Mathews vs. Offley*, 3 Sumner's R. 115. The provisions of this rule apply to all mariners so situated, who shipped in any merchant vessel of the United States for service, whether, in fact, foreigners or natives.

penalty;¹ as the consul's certificate of the master's acquiescence, stating the names of the seamen placed on board the ship, and the amount to be paid for their passages, with the endorsement of the collector affirming their arrival, is the only evidence to enable the master to obtain the passage money specified.²

(1) Mathews vs. Offley, 3 Sumner, 115.

(2) Masters who return destitute seamen to the United States from any port at which there is no consul or commercial agent of the United States, may obtain reasonable compensation for the passage of each, by application to the Comptroller of the Treasury, with proof of each arrival, etc., endorsed by the collector of the port arrived at. Act of U. S., 1811.

CHAPTER II.

DUTIES RESPECTING SEAMEN.

The special duties of American consuls respecting seamen, not already included in those mentioned respecting ship-masters, though few in number, demand particular attention, in common with the preceding instructions. "The protection of this class of our fellow citizens is one essential object of the consular appointment. Their habits of life require a kind of guardianship of their persons and interests in foreign countries," as well as a "strict vigilance over their conduct."¹ As Mr. Justice Story says of seamen, "They are generally necessitous, ignorant of the nature and extent of their own rights and privileges, and for the most part incapable of duly appreciating their value. They combine, in a singular manner, the apparent anomalies of gallantry, extravagance

(1) *General Instructions to Consuls*, 1838, ch. iv. Art. 36.

profusion in expenditure, indifference to the future, credulity which is easily won, and confidence which is readily surprised. Hence it is, that Courts of Admiralty are accustomed to consider seamen as peculiarly entitled to their protection."¹ And, for the same reasons, they should be and are peculiarly entitled to the protection and favor of consuls.

It has been stated, in the preceding chapter, that it is the duty of every Consul required to attend to the complaints of seamen, consul to protect American seamen from cruelty and neglect, and, in case of any wrongful discharge or justifiable desertion² abroad, to secure, as their trustee or guardian, their extra three months' wages;³ and if desired, an early passage homeward. So also every American

(1) *Brown vs. Lull*, 2 Sumner's R. 449.

(2) Act of U. S., July 20, 1840, § 17.

(3) This allowance, it has been held by the Supreme Court of New York, can only be recovered, by law, in the consul's name, as by the Act of U. S. of 1803, it is required to be paid to him, as the guardian of seamen. *Ogden vs. Orr*, 12 Johns. R. 143. But it has been held in other courts and cases, that if such extra wages be not paid to the consul, they may be recovered as wages by a libel in the Admiralty. *Orne vs. Townsend*, 4 Mason's R. 541; *The Saratoga*, 2 Gallison's R. 181; *The Dawn*, Ware's R. 485. And the Act of U. S. of 1840, (ch. 23, § 19,) declares that, for every violation of the above and similar provisions, the master "shall be liable to each and every individual injured there-

consul or commercial agent is required to be reasonably accessible to attend to the complaints of any American crew; and if their commander can render a valid and sufficient reason why none of them can be permitted to land, the consul or commercial agent must repair on board the vessel to inquire into the causes of complaint, and proceed thereon according to the authority vested in him.¹

He should bear in mind, however, on such occasions, the great responsibilities devolving upon ship-masters; the necessity of a rigid discipline in every vessel; the frequent impracticability of allowing to a crew, through the latter part of a protracted voyage, either a full or a generous diet;² the proverb-

Caution to be observed about interfering in the discipline of crews.

by, in damages, and shall, in addition thereto, be liable to pay a fine of one hundred dollars for each and every offence, to be recovered by *any person* suing therefor, in any court of the United States, in the district where such delinquent may reside or be found."

(1) Act of U. S. July 20, 1840, ch 23, § 16.

(2) *The Mary, Ware's R.* 460; *Mariners vs. The Washington*, 1 Peters' Adm. R. 219.

NOTE.—The standard requisite of provisions for merchant vessels, adopted by Courts of the United States, in questions respecting such matters, is that fixed by law for the Navy ration, which is equivalent to twenty cents per diem to each man, or one pound of salted pork or beef, or one and a quarter pounds of fresh meat; with half a pint of peas or beans, or half a pound of flour or rice, cooked with fruits; and

ial proneness of persons situated like sailors to complain; and therefore, without in the least allowing these considerations to palliate the injustice of any cruel or passionate treatment, or any niggardly meanness on the part of an officer, he should never heedlessly interfere between the crew of a vessel visited and their commander.

By the fourth section of the Act of the United States of 1803, it is made Subsistence to be allowed to the duty of consuls or agents "to destitute seamen of the U. provide for the mariners and seamen of the United States, (including all those employed or last shipped as such,¹) who may be found destitute within their districts respectively, sufficient subsistence, in the most reasonable manner, at the expense of the United States, subject to such

fourteen ounces of biscuit or one pound of soft bread; besides tea or coffee; and sugar, cheese, butter, raisins, molasses, vinegar and pickles; and not less than a gallon of water each day. Act of Aug. 29, 1842, §§ 1, 2, and 3. When any passengers are to be taken, they cannot exceed in number two to every five tons of the ship, and must have provided for a voyage across the Atlantic, and for longer or shorter voyage in proportion, at least sixty gallons of water, one hundred pounds of salted provisions, one hundred pounds of wholesome ship bread, and one gallon of vinegar, &c., for each passenger, besides the usual stores for the crew, and other private stores. Act of March 2, 1849.

(1) *Matthews vs. Offley*, 3 Sumner, 115.

instructions as the Secretary of State shall give." And the Secretary of State is authorized¹ to reimburse the said consuls or commercial agents, such reasonable sums as they may have advanced for the relief of such seamen.

The instructions of the Secretary, given in accordance with this act, have sometimes limited the amount for the relief of destitute seamen to twelve cents a man per diem, and subsequently to twenty cents each per diem, which last is generally deemed sufficient; but it is now left to the discretion and risk of consuls or agents to allow what they think reasonable, and to prove such reasonableness in their vouchers.² They are instructed, "that the relief to be provided shall include board, lodging, and medical attendance, and clothing, when necessary, all to be on the most reasonable scale, consistent with the comfort and proper support of the

(1) Act of U. S. Feb. 28, 1803, ch. 62, § 5.

(2) British consuls were formerly authorized to allow sixpence sterling (equivalent to twelve cents) per diem, for the subsistence of British seamen and boys, cast upon their care by shipwreck, capture or any unavoidable accident, and to allow the master of every ship ordered to take such persons home, sixpence sterling per diem, for each passenger besides his services. Beawes' Lex Merc. 4th Ed. p. 278.

individual." But in case of such relief being afforded to any seaman for more than three months, the account rendered to the State Department, for any disbursement on account or for the relief of any seaman, for more than three months, must be suspended, unless it be made to appear:—1st. That the detention was caused by a want of opportunity to return to the United States; or, 2d, That the illness or disability of the seaman rendered it hazardous to attempt the homeward voyage earlier.¹

They are further instructed, "That persons applying for relief be examined touching the manner of their being left destitute; and if it shall appear from such examination that they have been discharged from any American vessel contrary to the provisions of the third section of the Act of 28th of February, 1803, or that any other provisions of the said act, or other laws of the United States have been violated; in every such case it shall be the duty of the consul to

Examination
of destitute
seamen re-
specting the
cause of their
destitution.

(1) Circular of the State Department, Sept. 1848. See Appendix.

transmit a copy of the examination of the mariner to the State Department, with such other information as may enable it to cause prosecution to be instituted for such breach of the laws, designating the place at which the necessary witnesses will probably be found.

They are also instructed, "That in all cases of such relief afforded, whether To report the result of such cases. the seamen who have received it be returned to the United States or not, an exact account should be furnished, in the half-yearly returns made by the Consul, of the name of each individual relieved, and of the ship which left him, its master, owner, and the port to which she belonged, together with the sum expended, with vouchers, where from the nature of the case, they can be procured."¹

By a still later Circular of Instructions, Consuls at certain stations authorized to contract for consuls at distant stations where American vessels homeward bound very seldom stop, are authorized

(1) For sums expended (above the amount of the fund in the consul's hands) for the relief of American seamen, thus attested and reported to the State Department in a separate account, a draft should be enclosed, payable at least thirty days after sight.

passages of and advised, when any vessel
 destitute from the United States appears
 American sea- men in foreign within their districts, bound either
 men in foreign vessels, or in U. S. vessels, to the United States or to some in-
 vessels, or in having their
 U. S. vessels, quota on board intermediate port from which pas-
 having their sages to the United States are easily obtain-
 quota on board ed, to demand passage for as many of the
 destitute seamen within the consulate as the
 law directs, according to the tonnage of the
 vessel, and then to contract with the cap-
 tain of the same vessel, or if more con-
 venient, with the captain of a foreign ves-
 sel bound to the United States, for the pas-
 sages of all or some of the remaining destitute
 seamen, even to the amount of fifty or an
 hundred dollars for the passage of each,
 whenever it shall appear more economical so
 to do than to detain such destitute seamen
 waiting for any better opportunity, at consid-
 erable expense.¹

The same law which enjoins upon consuls
 or commercial agents the guardian
 Duty of con- suls to restrain protection, care and supply of
 American sea- men from mis- American seamen when in want,

(1) Circular of State Department, Sept. 1848. See Ap-
 pendix.

demeanors, to demands also the exertion of their
 reclaim desert- authority and means as police jus-
 ers, and dis- tices, to restrain American sea-
 countenance tices, to restrain American sea-
 insubordina- tion. men from crimes and misdemea-
 nors abroad, and to commit them for trial
 when necessary.

By the eleventh section of the Act of the United States of 1840, it is decreed to be the "duty of consuls or commercial agents to reclaim deserters and discountenance insubordination by every means within their power; and where the local authorities can be usefully employed for that purpose, to lend their aid and use their exertions to that end in the most effectual manner."

In construing this clause of the law for the guidance of consuls, three several questions arise, to wit: first, what is meant by the term "deserters?"—second, what acts or manifestations of seamen are to be regarded as "insubordination," in the sense here intended?—and third, what means are within the rightful power of American Consuls to discountenance the several species of insubordination? The answers to which must *be sought in the decisions of the Courts of the United States, respecting the definitions of the*

terms used, together with the duties of consuls and the rights of seamen involved therein.

DESERTION, according to maritime law, is a wilful, protracted absence from any vessel or marine service, by any of a crew; as, if any seaman, when once in service on board, designedly escape from and quit the ship, *animo derelinquendi*,¹ before she is finally moored at the termination of the voyage.² By United States laws, if a seaman fail to render himself within forty-eight hours of the time he is due, on board of any vessel, according to his shipment or contract;³ or be absent without leave; or if he endeavor not to rejoin the vessel as soon as practicable, when he knows she is released, after being captured, it is accounted desertion:⁴ *provided*, that the name of any such deserter, the time of his desertion, and that it was without leave, be entered upon the log-book of the

(1) *The Ravena*, Ware's R. 309; *Cloutman vs. Tunison*, 1 Sumners' R. 373.

(2) *The Pearl*, 5 Robinson's Adm. R. 224; *Knagg vs. Goldsmith*, Gilpin R. 207; *The Baltic Merchant*, Edwards' Adm. R. 86.

(3) Act of U. S., July 20, 1790, ch. 36, § 2.

(4) *Boardman vs. The Elizabeth*, Peter's Adm. R. 128.

ship deserted, on the day it occurred, and the absence be continued more than forty-eight hours.¹ But, it should be remembered, that all justifiable desertions, heretofore mentioned,² and in any case wherein the deserter repents, and offers to return to the ship, within a reasonable time, are exceptions.³

The Act of 1840 evidently authorizes consuls or commercial agents of the United States, to resort to any means, which the government of the district permits, to reclaim deserters from American vessels. They may, therefore, in most countries, apprehend them as fugitives from justice, and imprison them until required by their commander, or employ sufficient force, civil or military, to control and return them on board the vessel to which they belong. It was previously sometimes inferred that consuls had a right to or-

The means allowable to consuls to reclaim deserters, &c.

(1) Act of U. S., July 20, 1790, § 5. The *Phœbe* vs. *Dignum*, 1 Washington's R. 48; *Wood* vs. *Nimrod*, *Gilpin's* R. 86; *Herron* vs. *The Peggy*, *Bee's* R. 57; *Malone* vs. *The Mary*, 1 *Peter's* Adm. R. 169.

(2) That is, for cruel treatment; for a lack of good provisions, or a chest of medicines; and in case of a deviation of the voyage, or altering of the articles without consent, or any unseaworthiness of the ship.

(3) *Whiton* vs. *The Commerce*, *Peter's* Adm. R. 160; 3 *Kent's Comm.* 198; 2 *Haggard's* Adm. R. 15.

der the apprehension and imprisonment of American seamen, who deserted abroad, if the local authorities allowed them the privilege, because justices of the peace within the United States, according to a statute of 1790,¹ were authorized thus to act, by warrant, upon the complaint of the master, and it was thought far more necessary that consuls abroad should exercise a like authority; but it was repeatedly decided to the contrary,² and the only ground now or at any time existing for the assumption of any such power by American consuls, is in the clause of the Act of 1840 already quoted.

The term "insubordination," in the Act of 1440, technically and legally refers to all wilful acts of shipped seamen which essentially or continuously impair the authority of the master and his officers beyond their control. The necessity, invariably recognized by all maritime people, of unity in the gov-

Meaning of the term "insubordination," as intended in the law.

(1) Act of U. S., July 20, 1790, ch. 56 § 7; *Sims vs. Sundry Mariners*, 2 Peter's Adm. R. 393. *Bray vs. The Atlanta*, Bee's R. 48; *Turner's case*, Ware's R. 93.

(2) *The Wm. Harris*, Ware, 367; *Wilson vs. The Brig Mary*, *Gilpin's R.* 31; *Magee vs. Ship Moses*, *Ib.* 219.

ernment of every ship, and of a prompt obedience to one mind, on many occasions at sea which admit no consultation nor hesitation, has led to a general and statutory investment of ship-masters, with a peculiar and imperative extent of authority to which there is no analogy in other stations.¹ Hence any deliberate disobedience, on the part of a mariner, of any justifiable order of his commander, in relation to the business of his ship,² or the necessities of some other ship,³ without regard to the tone or manner of the order,⁴ is an act of insubordination, subject to immediate punishment by the commander, and to the consular jurisdiction intended by the Act of 1840.

A single act of disobedience, unless of a

(1) Consolate del Mare, chs. 117, 118, 119, 120; L'Ord de la Marine, liv. 2, tit. 1, art. 2; Jacobson's Sea Laws, Bk. 2, ch. 1; Curtis' Rights and Duties of Merch't Seamen, P. ii. ch. 1, p. 80; The Nimrod, Ware's R. 1; United States vs. Taylor, 2 Sumner's R. 584.

(2) The Exeter, 2 Robinson's Adm. R. 261; Butler vs. McLellan, Ware's R. 219.

(3) Consolato del Mare, ch. 103 and 114; Pardessus, tome ii. 137 and 143; The Boston and Cargo, 1 Sumner's R. 328; The Centurion, Ware's R. 477.

(4) *The Exeter*.

Single acts not in general sufficient to constitute such insubordination. flagrant, malicious, and dangerous character, is not included under the term insubordination;¹ nor is a passionate refusal to work or obey, if not obstinate, when excited by punishment or cruelty.² But a habit of negligence, or of drunkenness on duty, by which any seaman is rendered inefficient and unworthy of trust,³ is indirectly a manifestation of insubordination, for which the offender is liable to be discharged abroad, and therefore within the cognizance of consuls.

Revolts or mutinies and piracies are severally higher degrees of disobedience and defiance of authority, which necessarily and most obviously were contemplated, in the Act of 1840, under the term "insubordination." A revolt on ship-board has been represented, by high authority, to be a defiance or an attempt to overthrow the lawful authority of the master, and analogous to treason

(1) *The Mentor*, 4 Mason's R. 841; *The Exeter*, 2 Robinson, 216.

(2) *Orne vs. Townsend*, 4 Mason's R. 541.

(3) 2 Robinson, Adm. R. 263; *The Lady Campbell*, 2 Haggards' R. 5; *Orne vs. Townsend*, 4 Mason's R. 541; *The Mentor*, *Ibid.* 84.

against the State.¹ To constitute a revolt, the defiance or overthrow of authority may be, either by a seizure and forcible confinement of the lawful commander;² or by restricting his lawful actions by intimidations;³ or by transferring his authority against his will;⁴ or any combined and determined neglect of his orders.⁵ It must be remembered,

however, that there are several exceptions to the above rule. For example, if the master of a vessel should become dangerously insane, or intoxicated, or infuriated, or is about to commit a felonious or illegal act, it is justifiable in the mate, or, in an emergency, any seaman on board, to seize and confine him; or if the master wantonly assault any seaman the latter may resort to sufficient force

When the master may be opposed, seized or confined.

(1) *The United States vs. Sharp*, 1 Peter's Circ. C. R. 118, in 1815, by Justice Washington; *United States vs. Kelly*, 11 Wheaton's R. 417; *United States vs. Haines et al.*, 5 Mason's R. 272, et seq.: Hough on Courts Martial, 68.

(2) Act of U. S., March 3, 1835, ch. 313, § 1 and 2.

(3) *United States vs. Hemmer et al.*, 4 Mason's R. 105; *United States vs. Sharp et al.*, 1 Peter's Circ. C. R. 118; *United States vs. Pladen*, 1 Peter's Circ. C. R. 213.

(4) *United States vs. Kelly*, 11 Wheaton's R. 417.

(5) *United States vs. Smith*, 1 Mason's R. 147; *U. S. vs. Savage*, 5 Mason's R. 460; *U. S. vs. Cassidy*, 2 Sumner's R. 562; *U. S. vs. Barker*, 5 Mason's R. 404.

to restrain his assailant ; or, finally, a momentary impulsive resistance of any seizure may be excusable ; and none of these instances can be classed among acts of mutiny or revolt.

An attempt at a revolt or mutiny may be by seditious words, written or
Attempts at
revolt or muti-
ny. spoken, the making of a "Round Robbin"¹ or list of mutineers, or by any concerted plan of defying, confining, controlling, or assaulting the master, associated with conclusive proofs of an *intent*, on the part of the offenders, to usurp, subvert, or control the government of the vessel.

Piracy is the highest degree of insubordina-
What consti-
tutes piracy. tion and guilt at sea, as it is an open defiance and forcible opposition to every lawful government. By the law of nations, any robbery, murder, or atrocious felony, committed by lawless persons, *animo furandi*, upon the high seas, or any friendly communion with such, by persons knowing their character, is piracy, or univer-

(1) A sea term for a mutinous agreement, written or printed, in which the conspirators sign their names in a circle, around the instrument, so that it may not appear who is the leader or head.

sal enmity.¹ But the government of the United States, according to the provision of its Constitution authorizing a special definition of piracy, has considerably extended the bounds of this high crime, in relation to its own citizens. The Act of Congress of 1790 declares,² it shall be adjudged a piracy, for any subject of the United States to commit any offence out of the jurisdiction of either of the States, which, if committed within the body of a county, in the United States, would be punishable with death; or, if a captain or mariner of any ship, or other vessel, should piratically and feloniously run away with such ship or vessel, or any goods or merchandize to the value of fifty dollars; or yield up such ship or vessel voluntarily to any pirate; or forcibly hinder the commander from defending his ship or the goods committed to his trust.³ An Act of Congress, of 1804,⁴

(1) *Rutherford*, b. 2, c. 9; *Kent's Comm. P.* 1, p. 183; *The United States vs. Smith*, 5 *Wheaton*, 153 and note to p. 163; *Idem vs. Furlong*, 5 *Wheaton*, 184; *Lindo vs. Rodney*, *Deug. R.* 163; *Wheat. Inter. Law*.

(2) Act of U. S., April 30, 1790, ch. 36, § 8; *United States vs. Palmer*, 3 *Wheaton*, 610.

(3) The act of making a revolt in any ship or vessel, was included among piracies under this act; but was taken out and changed in character by the act of 1840.

(4) Act of U. S., March 26, 1804, § 1.

makes any wilful and corrupt destruction on the high seas, of any vessel owned and registered in the United States, by wrecking, burning, or otherwise, equivalent to piracy, for which the perpetrators, if not owners of the property destroyed, are subject to the same extreme penalty. The act of 1819¹ formerly adopted the definition of piracy by the laws of nations, which was made more explicit by the act of 1820,² declaring it piracy for any part of a crew to land and commit robbery on or near the shore; and, by the same act of 1820, it was declared that any citizen of the United States with others, or any member of a crew of a United States vessel, who should seize any person on any foreign shore, or decoy, or receive, or forcibly bring, any negro or mulatto, on board of a vessel, with the intent to use or dispose of that person as a slave, should be adjudged a pirate, subject to the penalty of death.

Among the means by which any consul of the United States is authorized to
Means allowed to consuls "discountenance insubordination"

(1) *Act of U. S., March 3, 1819, § 5.*

(2) *Act of U. S., May 15, 1820, § 2 and 3.*

to suppress in-subordination, and to secure offenders for trial. in any member of an American crew, when brought within his official notice, upon sufficient grounds to justify the penalty, is to discharge the offender,¹ and for higher offences he may engage the assistance of the local police to secure the offenders, or may cause them to be manacled and put on board of a ship to be sent home, or to be incarcerated, by permission, within the consular district.²

Any resort, however, to the harsher measures should always be with great caution necessary in the exercise of consular authority over offenders. as it is only justified by the strongest necessity, and may subject the consul to a prosecution in any court of the United States.³ The consul is authorized, by the Act of 1840, to the extent of a marshal's power, in the cases already mentioned, but is not allowed to con-

(1) *Thorne vs. White*, 1 *Peter's R.* 168; *Black vs. The Louisiana*, 2 *Ibid*, 271; *Orne vs. Townsend*, 4 *Mason's R.* 541; *The Mentor*, *Ibid*, 102; *The Exeter*, 2 *Robinson's R.* 216; *The Nimrod*, *Ware's R.* 9; *Whiton vs. The Commerce*, 1 *Peter's R.* 164; *Hutchinson vs. Coombs*, *Ware's R.* 65;

(2) *Wilson vs. The Brig Mary*, *Gilpin's R.* 31; *Magee vs. Ship Moss*, *Ibid*, 219; *The David Pratt*, *Ware's R.* 503; *The Wm. Harris*, *Ibid*, 367.

(3) *The Nimrod*, *Ware's R.* 9; *Hutchinson vs. Coombs*, *Ibid*, 65; *United States vs. Ruggles*, 5 *Mason*, 192.

demn and punish. If a consul ventures, as in some cases it is indispensable he should, to cause an American seaman to be imprisoned in a foreign country, on the complaint of the master, that seaman has it in his power to bring an action against the consul for false imprisonment, in a court of the United States, when the master is away on another voyage, and the proof of justification very difficult to obtain.¹

Still, the consul's duty impels him sometimes to that risk, as there is a *Penalty for any neglect to secure an offender.* Charybdis on the other hand, in the law, which makes any consul or commercial agent liable, who neglects or omits to perform, *seasonably*, the duties imposed upon him by the Act of 1840, to any injured person for all damage occasioned thereby. In consideration of the responsibilities which thus hedge in the duties of a consul, it is important that he should rig-

(1) Any consul or commercial agent, who is guilty of any *abuse* of power, is liable to any person injured for all damage occasioned thereby; and for any malversation, or corrupt conduct in office, he is subject to indictment, and, on conviction by a competent court, to a fine rating from one to *ten thousand dollars*, and imprisonment from one to five *years*. Act of U. S., July 20. 1840, ch. 23. § 18.

idly follow, in self-defence, the instructions of the State Department respecting any offender against the laws of the United States whom he is obliged to imprison in a foreign port, or to send home for trial.

In any such case, he is required to take the depositions necessary to establish the facts; and, if the accused must be sent home in some other vessel than that in which the offence was committed, he should procure two of the principal witnesses, to be sent home with the accused, and transmit certified copies of all the depositions he has taken in relation to the offence, an exact detail of all the circumstances, and such information as may be necessary for a distant tribunal to comprehend and adjudge the case.¹

He should also be very careful to keep fairly written in a Register, a well-attested account of all his official transactions; and for all expenses, authorized by law and thus incurred by the consul, for the keep-

Importance of
procuring suf-
ficient evi-
dence against
offenders to
be sent to the
government.

Expenses in-
curred in se-
curing and
sending home
offenders, how
obtained.

(1) *General Instructions to consuls of the U. S., 1838, ch. 4, § 5.*

ing and disposal of any offender, a separate account should be sent, with the necessary vouchers, to the Fifth Auditor of the Treasury Department, to be followed or accompanied by a draft for the amount, payable at least thirty days after sight.¹

(1) General Instructions, ch. 10.

CHAPTER III.

DUTIES OF UNITED STATES CONSULS RESPECTING UNITED STATES CITIZENS IN GENERAL.

The further duties of American consuls, in relation to persons are of a general character, of which the most frequent is that of granting or of certifying to the verity of passports, still generally required for the protection of travelers, especially in Europe.

A passport should describe the person of the bearer minutely, according to the form given in the appendix, and declare his citizenship, according to his affidavit and any other necessary proof of the same, under the consular signature and seal. A verification of a former passport, or a *visa* of a passport as it is termed in Europe, requires of the consul or agent, when satisfied, by inspection, that the bearer is the person named therein, and, by his oath and any other necessary proof, that he is a citizen of the United States. to certify upon

affix thereto his consular signature and seal.¹

Every consul or commercial agent should be extremely cautious in the discharge of this duty; for he is liable, if he grant a passport or *visa* to any other than an American citizen, when he might know that he is an alien, to a fine of a thousand dollars or less, according to the judgment of any competent court.²

Consuls are frequently called upon as notaries, and are often required to give their official certificates concerning various facts and persons within their cognizance. They are accordingly authorized to give certificates of the landing of merchandize examined by them, which may be entitled to drawback; to certify to the verity of invoices of goods shipped to the United States for non-residents, including in

(1) The Mexican minister resident at Washington. Don Luis De La Rosa, in a circular dated January 29, 1849, announces the following notice: "Consuls and Vice-Consuls of the Mexican Republic are authorized to furnish passports to all foreigners going into Mexico. If foreigners about to do so take their departure from a port where there is no Mexican consulate, then they may take out passports from a Consul or Vice Consul of any nation in amity with Mexico."

(2) *Act of U. S.*, of Feb'y 23, 1804, ch. 62, § 8.

one invoice all goods sent by any one shipper, in the same vessel;¹ and to state and certify, after a given form, to the value, in Spanish or United States dollars, of the foreign currency used in such invoices.² He is also to receive the protests or declarations which any captain, master, crew, passenger or merchant, being a citizen of the United States, may choose to make, and such as any foreigner may choose to make, relative to the personal interest of any citizen of the United States; and the copies of the said acts, duly authenticated by said consuls or agents, under the seal of their consulates, respectively, are of equal authority as their originals in all courts of the United States.³

It has been already mentioned, that a consul's certificate, under his hand and official seal, to the effect that any American ship-master bound to the United States, had refused to take with

*Legal effects
of consular
certificates.*

(1) Instructions of 1838, ch. iv. § 6, Art. 38 and 39, and the Revenue Laws.

(2) Circular of the State Department, August, 1845, with the forms prescribed. See Appendix.

(3) Act of U. S., of April 14, 1792, § 2; and Act of U. S., of Feb'y 22, 1849, ch. 61.

him his quota of destitute seamen, according to law, is *prima facie* evidence of the fact in any court of the United States having jurisdiction thereon.¹ He is also authorized to administer oaths in the taking of all kinds of commercial depositions, except as to an answer in chancery.² Hence any acknowledgment of a power of attorney, purporting to be taken before an American consul, and certified by his official signature and seal, will be deemed sufficient, in American courts, without any other evidence of the genuineness of the seal or signature.³

By the law of 1849, a consul's certificate, under seal, is made sufficient to authenticate a foreign law, or any copy of a record of condemnation in a court of vice-admiralty, &c.⁴

(1) Act of U. S., Feb'y 28, 1803, ch. 62, § 4.

(2) *Herman vs. Herman*, 4 Wash. C. C., 555. Also the same in England, by 46 Geo. 3, ch. 93, § 9.

(3) Act of U. S., Feb'y 22, 1849, ch. 61. *St. John vs. Proel*, 5 Hill, 573.

NOTE.—As the certificate of a justice is not evidence out of his county, without the confirmation of the County Clerk to his signature and seal, it is argued that a consul's certificate and seal, for the same reasons ought not to be received as evidence, without some confirmation by the Department of State, that he is a consul.

(4) Decisions adverse appear in *Church vs. Hubbard*, 2 Cranch, 187, and in *Catlett vs. Pacif. Ins. Co.*, Paine's R.

But if any consul or agent grant a certificate that any property, which he has reason to suppose belongs to an alien, is that of an American citizen, he becomes liable to a penalty of not more than ten thousand dollars, and to an imprisonment of three years or less, at the discretion of the proper court.¹ Moreover, a consul's certificate, under seal, that a ship's papers were left at his office, according to law, is not evidence of any other fact stated therein;² nor is a consul's certificate sufficient evidence that any person was preparing to return to the United States;³ nor, as between third parties, of any fact, not indicated by statute.⁴

Between foreign freighters and American ship-masters, the consul nearest them is, *ex officio*, the most proper person to act as their arbiter, and the consul

594; but the Act of Feb'y 22, 1849, is conclusive in favor of admitting such evidence.

(1) Act of U. S., Feb'y 28, 1803, ch. 62, § 7.

(2) *United States vs. Mitchell*, 2 Wash. C. Q., 478.

(3) *Foster vs. Davis*, 1 Litt., 71.

(4) *Levy vs. Burley*, 2 Sumner, 355.

should always attend any such arbitration either as a counsellor, witness or umpire, when so requested.¹

In several countries, as in China and elsewhere, consuls and vice-consuls of the United States are vested by special stipulations,² and acts of Congress, with exclusive civil and criminal jurisdiction, over citizens of the United States within their respective districts. They are authorized to hold courts, (in Europe called chanceries,) for the decision according to the common and statute laws of the United States, of "all questions in regard to rights, whether of persons or property, arising between citizens of the United States in China, and for the trial and punishment of all citizens of the United States who may commit any crime in China." The British government secured similar privileges of exclusive jurisdiction in Turkey, by their treaty signed at Dardanelles in 1809, and in China by their treaty in 1842.

(1) The same duty is enjoined upon English Consuls. Chitty's Commercial Law, vol. 1, pp. 58-61.

(2) Treaty with China, of July, 1844. The treaty of U. S. with Sweden, July 24, 1818, and one with Turkey include similar articles.

(3) Act of U. S., May, 1847.

But Mr. Urquhart, in his treatise upon *Turkey and its Resources*, in reference to the judicial powers conferred on European consuls there, seems to think they have been attended by unfavorable and often mischievous results; and that, if judicial functions must be associated with the consular offices in that or any other country, it is important to select consuls for those stations, who are competent in legal knowledge and habits of mind, for the proper discharge of such duties.

Even in Christian countries, every American consul, without any stipulation to that effect, is incidentally charged with certain mediatorial functions, which virtually empower him to serve as a kind of police magistrate.¹ He is, therefore, the proper counsellor and protector of all citizens of the United States, either trading to, traveling through, or residing within his consular district. If any such citizen of the United States should be grossly insulted or wronged by any subject of the government of his district, or, if a custom-

(1) *Wheaton's International Law*, 3d Ed. P. ii. ch. ii. p. 58.

house or any other officer of that government should illegally detain any of their persons, ships or merchandize, or unduly exact money from any of them, or otherwise infringe their rights and liberties, it would be the duty of the consul or agent present, if he could not obtain redress from the local authorities immediately, to prefer the complaint, by memorial, to the minister or charge of the United States, residing near the court there governing.

If no such minister of the United States be present, he should appeal directly
Ministerial duties. to the State officer of the court itself, and, if deemed best, demand an audience of the prime minister of that court, as a public agent charged with national affairs. The complaint, if well founded and important, should also be transmitted immediately to the State Department of the United States, with an account of the proceedings thereon; and, in the interim, in any violent emergency, the consul would be sustained by his government, in the exercise of as much power, at his command, as the *necessity* of the case might require.¹

(1) *Such are the instructions to the English and French*

On the other hand, if any subject of the United States offend, injure, or wrong any of the inhabitants of the district wherein the consul or agent resides, it is his duty to interpose his influence, which would probably be requested by the local authorities, to induce every such offender or trespasser to make restitution and render satisfaction; and, if just amends be refused or neglected, he must surrender the accused to the civil magistrates, or to the military authorities, in a garrisoned port, with the understanding that he must be present at the trial, to act as counsel or advocate for any and every subject of the country he serves.

He is, however, to persist in having the sole cognizance of all offences alleged to have been committed at sea, under the flag and jurisdiction of the United States, by subjects of the same; to stay any judicial proceedings commenced against them on shore; to demand their release if imprisoned, and to

consuls, and they are justly implied from the government instructions to the consuls of the United States, and from the nature of the office.

claim the aid of the local police or a military force, if necessary, to secure the accused on board of some ship, by which he may choose to send them home for trial.

He should, at all times, endeavor to deter the subjects of the United States from smuggling, as well as from every other infraction of the local laws;¹ and, in times of war between the country of his residence and any other foreign power, he should especially caution them against the forfeitures and disgrace which they must incur, and the possible involvement of their own country in the war, by any and every violation of strict neutrality.

A few personal observances between the consuls and naval commanders of the United States, alone remain to be noticed, which are embodied in the following quotations from the General Instructions of the State Department: "Any consul of the United States residing at a foreign port which is visited by a ship of war of the United States, is to receive

To prevent
Americans
from infring-
ing any reve-
nue laws, or
belligerent or
neutral rights.

To inter-
change courte-
sies with naval
officers.

(1) *General Instructions*, ch. v., Art. 44.

the first visit from such ship, in the person of an officer belonging to it, deputed and sent for that purpose by the commander; and this officer is there to tender to the consul a passage to the said ship. In such cases the consul will avail himself of the proposed accommodation whenever occasion may require, as well for the purposes of making the first visit to the commanding officer of the ship in question, (this being a mark of courtesy due to the commission and rank he holds in the navy of the United States,) as for that of offering to him any services which the consul's official station may enable him to render for the convenience of the ship, or those belonging to it; and accordingly he will receive and execute any such commission as may be entrusted to him for these ends by the commander, as far as this may be compatible with the consul's sense of his public duty.

A Consul General of the United States is entitled to receive the first visit from the commander of any naval ship of the United States, (except the commander of a squadron,) and the offers by that commander of a *passage to his ship*, in an honorable manner.¹

(1) *It is customary, upon receiving a Consul General of*

" These attentions the Consul General will reciprocate by paying the first honors to the commander of any squadron present: and, on all occasions of the kind, he will, of course, employ his good offices, as far as it may be useful or proper on his part, to promote the good and convenience of the service in which such vessels are engaged." ¹

the United States on board a ship of war abroad, to salute his approach with eleven guns, and to honor the first visit of a Consul with a salute of nine guns.

(1) It is desirable that some compensation should be allowed to Consuls of the different grades, for their very considerable expenditures of time and means, in the courtesies, entertainments and services properly due, and generally proffered by consuls to naval officers visiting their respective stations.

20

PART III.

DUTIES OF U. S. CONSULS

IN RELATION TO PROPERTY,

AND ALSO THEIR

FEEES AND PRESCRIBED FORMALITIES.

ART. III.

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CHAPTER I.

DUTIES OF UNITED STATES CONSULS RESPECTING INTESTATE ESTATES OF DECEASED AMERICANS NEAR THEM.

The duties of consuls respecting the property of Americans, relate either to the personal estates of citizens of the United States, who die intestate within their respective districts, or to wrecks and other abandoned property of Americans for which no owner or legal representative appears.

It was formerly customary, in some countries, for the governments of the same to claim and take possession of the property within their several dominions, left there by foreigners dying intestate; and it might still be so were no stipulation against the practice inserted in the treaties with such countries. But now, wherever the laws of the country permit, or any formal treaty has secured the privilege, every American consul abroad is authorized, *ex officio*, to act as the executor for the personality, of which he obtains title or possession, belonging to the es-

Ancient customs concerning property left by foreigners dying intestate.

tate of any citizen of the United States, not attached to any vessel as one of the crew, who dies intestate within the consular jurisdiction.

The first duty of the United States consul or consular agent, whenever he becomes, ex officio, an executor of the estate near him, of a deceased citizen of the United States, is to give immediate notice of the death, "for the information of the representative of the deceased, in one of the gazettes published in or near the consulate, and also to the Secretary of State, that the same may be notified in the state to which the deceased shall belong."¹

Then if "there be no legal representative, partner in trade, nor trustee appointed by the deceased to take care of his effects," it is the duty of the consul or consular agent, immediately to take possession of the personal property at hand, and, with the assistance of two respectable merchants,

(1) Act of U. S., April 14, 1792, ch. 24, § 2, and General Instructions of the State Department, ch. iv. sec. 2, art. 20.

Americans being preferred, make an inventory of all the effects, including debts due and other assets, within the consular district or elsewhere, with the appraised value affixed to each article. In the same inventory should be described the commercial and letter books of the deceased, specifying the number of pages in each book, and at the beginning and end of each book, the consul's certificate should be placed to prevent any addition.

An exact copy of the inventory should be entered in the consular books of records, and both the original and the copy be signed by himself, and by the two merchants assisting. Another copy of the inventory should be made and transmitted, as soon as may be, to the Secretary of State.

Whatever debts may be due to the estate of the deceased, in the country where he died, the consul is to collect, and he is also to pay the debts due from the estate, which the deceased there contracted; but he is to pay no claim, not reduced to a judgment, for damages on account of any

wrongful act, alleged to have been done by the deceased.¹

For all sums paid out of the estate, the consul is to take duplicate specific receipts, numbering them regularly; one of each of the duplicates to be kept by the consul, and the other to be delivered to the representative of the deceased, or transmitted to the Treasury, if no representative appear.

All perishable parts of the estate the consul is required to sell at auction, after due notice in at least one of the gazettes of the place, (if any be printed there,) both in English and in the native language, and in the manner prescribed by the laws of the country for the judicial sale of property in execution; provided that such property has been previously surveyed by three respectable merchants, and by them declared, under oath, to be of a perishable nature.

If the proceeds of such sales, with the funds of the estate on hand, should not be sufficient to liquidate the

(1) *Sturgis vs. Slocum*, 18 Pick., 36.

necessary for the payment of any balance of claims against it. legal claims against the estate, the consul is authorized to dispose of any other portion of the property which may be necessary for that purpose.

The residue of the estate, not in the shape of funds, after the settlement of the debts, may be sold at the expiration of one year from the decease of the intestate; and, if no legal representative should have appeared to claim possession, the entire proceeds, deducting fees and expenses, should be transmitted to the Treasury of the United States, in money, there to be held in trust for the legal claimants.

In the execution of these duties respecting the personal estate of intestates, the consul is instructed to keep a regular account in his consular books, to enter to his own debit all the moneys and effects of the estate which he receives, and to his credit all the payments he makes for the estate, and, finally, cast the balance that he may deliver over or remit, so as to close the account.

He should at all times be prepared, and he

To deliver over the effects and papers of the estate whenever required so to do by a legal representative of the deceased. is expressly required, to deliver over the effects and papers of the estate in possession at any stage of his proceedings, after deducting his fees and expenses, to any legal representative of the deceased, or appointed trustee, who presents unquestionable authority to act as such. But "if there should be several parties, each claiming to be the representative of the deceased, and demanding the effects, the consul must direct the parties to determine their rights in the tribunals of the country,"¹ and proceed, as if no such claims were made.

And when the estate is finally settled, so far as he is concerned, "the consul or agent is required to give notice to the State Department, when the proceeds of an estate are sent to the Treasury. which has been transmitted to the Treasury, or the effects which have been delivered to the representative of the deceased, as the case may be."¹

(1) General Instructions of the State Department, ch. iv. § 2.

CHAPTER II.

DUTIES OF U. S. CONSULS RESPECTING WRECKS OF AMERICAN VESSELS.

Respecting wrecks of American property, including in that term, *flotsam*, *jetsam*, and *lagan*,¹ consuls and commercial agents of the United States are charged with similar authority and care, as in reference to the personality of Americans dying intestate within their several districts.

It was the barbarous custom of the early maritime nations of Europe and other parts of the world, to sanction an indiscriminate pillage of all foreign wrecks, and the enslavement of all foreigners cast upon their shores. The appropriation to the

Barbarous customs of ancient nations respecting wrecks, and an honorable exception.

(1) The term *wreck*, (in Latin, *wreccum maris*,) technically refers to goods cast upon the land from a disabled ship. *Flotsam* is distinctively applied to goods afloat upon the sea from a vessel wrecked or sunken. *Jetsam* refers to goods cast upon the sea from a vessel in danger or sinking. *Lagan* or *ligam*, refers to heavy goods cast from a vessel and sunken, with or without a buoy attached.

state, of wrecked and abandoned property, continued to a very recent period, in several commercial states. But it is gratifying to reflect, for the honor of humanity, that in other parts of the world, where we might have less reason to expect it, as in the ancient empire of China, from the earliest period of her commercial intercourse with Europeans, not only rigid restrictions against such barbarities were enacted, but, likewise, government aids and guards provided for ships, goods, and mariners cast away, or endangered along the coast, and, in some instances, government means granted for the keeping and transportation homeward of all such distressed foreigners and their goods.¹

In several commercial countries at the present day, the control and disposal of wrecked property is reserved to the government, within whose dominion it is cast; and nearly every nation has special regulations, and established rates of salvage,² for such property. In Sweden and other countries, chartered

Modern customs respecting the disposal of wrecked property.

(1) Goguet's Origin of Laws, vol. i. p. xx. of Adver't.
 (2) *Salvage*. A reward for any thing saved from a wreck,
&c. *Blkstn's Comm. b. 1, c. 8.*

companies have the privilege, or special officers are assigned the duty, of taking possession of all property wrecked; in which cases the consul or agent can only act as the representative of the absent master or owner, or as his official adviser, if either of them be present, to assist at the taking of the inventory, at the sale, and at any other proceeding in relation to the property.¹

Where no restriction to the contrary exists, or the right is expressly granted, the third section of the Act of the United States, for 1792,² prescribes that, "consuls and vice consuls, in cases where ships or vessels of the United States shall be stranded on the coasts of their consulates, respectively, shall as far as the laws of the country permit, take proper measures, as well for the purpose of saving the said ships or vessels, their cargoes and appurtenances, as for storing and securing the effects and merchandize saved, and for taking an inventory or inventories thereof; and the merchandize

U. S. consuls
required to
seek and se-
cure the
wrecked pro-
perty of U. S.
citizens.

(1) General Instructions to consuls, ch. iv. § 3, art. 25.

(2) Act of U. S., of 1792, ch. 24, § 3.

and effects saved, with the inventory or inventories thereof, taken as aforesaid, shall, after deducting therefrom the expense, be delivered to the owner or owners. But no consul or vice consul shall have authority to take possession of any such goods, wares, merchandize, or other property, when the master, owner, or consignee thereof is present, or capable of taking possession of the same."

It is understood that this provision of the law refers, not only to American goods stranded within the bounds of any American consulate, but also to any portion of any such ship or cargo, which may be brought within the consulate, after being wrecked, or in consequence of any disaster at sea.¹

In case the fact of any American wreck, within or near any consulate, comes to the knowledge of the consul or agent, it is his first duty to publish the accident in some way; and to give immediate no-

To take charge of any wrecked property of U. S. vessels brought within their consular bounds.

To publish any reliable intelligence received at the consulate of any wreck of property be-

(1) General Instructions to Consuls, ch. iv. § 3, Art. 25.

longing to a citizen of the U. S. tice to the Department of State, with the names of the vessel and its owners or master, and as many of the circumstances attending the loss of the property as may be known at the time.

Upon the recovery of property from any American wreck, by officers or citizens of the country wherein it is found, the consul or agent is to allow any reasonable salvage which may be decreed by a competent tribunal, if the court so deciding, permit him to receive the effects remaining.¹

It is moreover presumable that any consul in a civilized country would be allowed, as in the United States, a right to institute a proceeding *in rem*,² in any case involving the rights of property belonging to, or claimed by any citizen of the country he serves; but he could not receive restitution or possession of such property in controversy, without special authority from each pro-

(1) General Instructions to consuls, &c., ch. iv. § 3, art. 25

(2) Proceedings in consideration of a lien upon the thing in question.

prietor for whose benefit he acts.¹ The claim may be made, in the Admiralty court, for some subject of the country he serves, to him unknown at the time; but proof of the actual proprietary interest must be exhibited before restitution will be decreed.²

If the reasonable proceedings of a consul, in behalf of the owner or owners of American property, either wrecked or captured, be denied while it is held in admiralty or dispute within the consulate, he is required to take the necessary evidence of the facts in the case, and transmit it to the Department of State.

It is also provided, by several acts of Congress, that, in time of war, if prizes or cargoes, captured by United States cruisers, are brought within the district of any American consulate and there sold, the con-

If denied such proceedings, then to take evidence of the facts and send the same to the State Department.

To secure from prizes brought into the consulate a percentage for a pension fund.

(3) *The Bello Corrunes*, 6 Wheat., 152.

(2) *The Antelope*, 10 Wheat., 66 and 114, London Packet, 1 Mason, 14.

NOTE.—Where proper exertions have been made by wrecked sailors to save their vessel or the cargo, the consul is to allow them, out of the proceeds recovered, if adequate, and in his possession, at least sufficient salvage to defray their expenses home, and wages to the time of the wreck. *The Dawn, Ware's R.* 425.

sul shall take two per centum of the prize money thence arising, after deducting charges and expenditures, and, if it be a recapture, then two per centum of the nett salvage on the same; to be reserved and transmitted as as a fund for the support and maintenance of persons wounded or disabled, and for the widows and orphans of persons slain, on board the private armed vessels of the United States, in any engagement with an enemy.¹

Finally, whatever effects, whether wreck-
 To dispose of ed, abandoned or otherwise unrep-
 any property resented, within the consulate,
 of a citizen of the U.S. which may be obtained, in undisputed
 the U.S. which possession by the consul, as the
 is within the consular limits unrepresented
 unrepresented property of any citizen of the Uni-
 ted States, he is instructed to dispose of, in
 the same manner, as he is directed to do with
 the personal property of any American citi-
 zen, dying intestate within his district.²

(1) Act of U. S., of June 26, 1812; Feb'y 13, 1813; August 2, 1813; and March 4, 1814.

(2) General Instructions, ch. iv. § 3, art. 25.

CHAPTER III.

ALLOWANCES AND FEES TO UNITED STATES CONSULS.

It is now only necessary, in the completion of this summary tract for the guidance of American consuls, simply to add the special injunctions and allowances of the law and the State Department, respecting certain minor details of consular duty.

The allowances and fees, established mostly by the Act of United States of 1792, are as follows: First, for every certificate, under seal, given upon the receipt or the return of any ship's papers, or to authenticate any deposition, protest or other act, required by any citizen of the United States; and for every verification of an invoice, by certificate under seal, two dollars.

For every certificate of the delivery of merchandise, under the revenue laws, one dollar, with the addition of twenty-five cents, for administering the oath.

And for every certificate of discharge of

For a certificate of a sailor's discharge. any seamen in a foreign port, fifty cents.¹

For the settlement of intestate estates. For taking into possession, disposing of, and making a final settlement, according to law, of the personal estate of any citizen of the United States who shall die intestate within the consulate, five per centum on the gross amount paid over or transmitted in money; but if any such estate shall be delivered over to the legal representative before a final settlement of the same, only two and a half per centum shall be allowed to the consul or agent, on that part of the estate, if any, which has not been converted into money, and five per centum on the residue. And for all fees retained, in any such case, the consul or agent shall give receipts, specifying the services for which they are taken.

For receiving and paying the amount of

(1) For the fees upon discharging seamen, or for authenticating, under the consular seal, any act required by an American ship-master, the consul may detain the deposited papers of the vessel; but for any other fee he cannot refuse to return the ship's papers, though he may refuse his agency in the desired service until the proper fee is paid or secured to him. General Instructions, art. 30.

For the pay-
ment of sea-
men's wages. of wages due on the discharge of
any seamen, in a foreign port, the
consul or agent is allowed two and
a half per centum. And for disbursements,
on account of wages or other purposes, for
naval vessels or agents, two and a half per
centum.¹

No fixed allowance is prescribed by law,
to be charged by any consul or
For services
and expenses
in a survey. agent for services in any required
survey;² but he may charge for
his certificate of the survey two dollars: and
he may also make such other "reasonable
charges," for the services of himself and as-
sistants, as he can officially certify are merit-
ed and just.³

No allowance is granted either for the mak-
ing or visa of a passport; but the
For a passport
or visa. consul or agent, in such a case,
may charge for the necessary cer-
tificate to establish the applicant's identity or
citizenship, the usual fee of two dollars.

Nor is any allowance granted to American

(1) By orders of 1817 and 1829, five per cent was allowed.

(2) *Potter vs. Ocean Insurance Company*, 3 Sumner 27.

(3) Act of U. S., July 20, 1840, ch. 23, § 15.

For any legal defence of an American seaman charged with any offence against the local authorities.

For postage paid on despatches to or from the State Department, or expenses incurred for their transmission, when directed, the consul or agent is allowed a reasonable charge, upon rendering a specific account for the same, with vouchers when practicable ; but, for house or office-rent, books, stationery, or other ordinary expenses of office, he is allowed nothing, unless by special enactment.

For all other services to American citizens, and for any service to an alien, the consul is authorized to charge according to the usual fees allowed, in similar cases, to notaries in the country where the consul resides. Moreover, a consul employed to make disbursements for the Navy, are allowed two and a half per centum for such disbursements ;¹ and, as by the Act of June

(1) Article 433 of the Navy Regulations of 1841, and the Act of January 31, 1823, § 1.

26, 1812, every consul is required to receive two per centum on the nett amount of the prize money or salvage, arising from any vessel and cargo, captured or recaptured by any armed vessel of the United States, if brought within the limits of his consulate, and to account to the United States Treasury for the same, as a pension fund, it is presumable that two and a half per centum upon any such sum of money received, will be allowed to the consul who accounts for, and remits the balance to the Treasury.

Every consul within the Barbary States, not exceeding one to each state, is allowed an annual salary of two thousand dollars, and occasionally a certain amount for presents to government officers;¹ but he is not allowed to retain any of the fees which he may officially collect.

The consul at Paris is allowed an annual salary of two thousand dollars, besides the usual fees; and, in like manner, the consul at London is allowed a salary of two thousand dollars per

Salaries at Mohammedan ports for U. S. consuls.

Salaries, etc., to consuls at London and Paris.

(1) Act of U. S., of April 14, 1792, ch. 24, § 5.

annum,¹ besides the usual fees, and two thousand eight hundred dollars for stationery, office-rent, and clerk hire.²

It is finally, expressly declared, though it might be reasonably left to a natural inference, that no American consul or commercial agent, under any circumstances, shall accept of any present, title or special favor, from any king, prince, or foreign state, without the previous consent of Congress.³

The most of the fees and allowances herein mentioned are payable by shipmasters, or other American citizens transiently visiting the consulates, or by intestate estates in trust; but, for all consular disbursements authorized by law or instructions, for the securing and keeping of persons charged with crimes against the United States, separate accounts in each case, with vouchers, should be made out, and duplicates of the same, en-

(1) Act of U. S., Jan'y 19, 1836.

(2) Acts of U. S., July 19, 1836, March 3, 1837, and August 26, 1842, § 8.

(3) General Instructions, ch. v. art. 46; United States Constitution, art. 1, § 9, cl. 7.

closed in separate communications, be sent by different conveyances, to the Fifth Auditor of the Treasury Department, upon which department drafts for the same amounts may then be drawn, payable at least thirty days after sight, and forwarded with the accounts or separately. For other expenses, expressly authorized by the State Department, such as those allowed for the relief of destitute American seamen, or which may be incurred for despatches, postage and other matters before mentioned, distinct accounts, with vouchers if practicable, must be made out, and duplicates sent, and drafts drawn upon the State Department, in precisely the same careful, distinct manner, as in the settlement of accounts with the Treasury.¹

It has already appeared, in noticing the du-

(1) General Instructions to consuls, ch. x. art. 51.

NOTE.—By Act of 1803, § 3, the fund accruing in the hands of consuls for the relief and passages of destitute seamen of the United States, were to be semi-annually accounted for with the Treasury, and in the General Instructions, ch. x., consuls were directed to draw upon that department, for their disbursements for the relief of destitute seamen; but, as by section 4 of the Act of 1803, the matter is left to the direction of the Secretary of State, he has since required such accounts for relief, &c., to be sent to the State Department. See Circular of the State Department, of Sept. 1848, in Appendix.

Ministerial du- ties. ties of consuls, that occasionally, by the absence, or upon the death of the minister or chargé d'affaires, commissioned by the same government, for the country of the consulate, certain indispensable ministerial functions devolve upon the incumbent at such a station; and when any ministerial office is actually discharged, in such a case, by a consul, it is reasonable that some extra, proportionate compensation should be allowed for the same; but the only mode by which any such compensation for extra services can at present be recovered, is by a petition to Congress, and the passage of a special act of appropriation.

CHAPTER IV.

CERTAIN FORMALITIES TO BE OBSERVED.

There are a few formalities and directions of an incidental character, not yet mentioned, which, though trivial in comparison, nevertheless, demand the attention and compliance of American consuls and commercial agents.

The Acts of the United States, "concerning consuls and vice consuls," prescribing their duties in certain cases, impliedly if not expressly¹ entrust the appointment and regulation of other necessary forms and appendant details of consular offices, to the President or his Secretary of State. Among these details are included special directions respecting the style of the consular seal, flag, and coat of arms, and the forms of consular books, official papers and correspondence.

Discretionary
authority vested
in the Secretary of State
to prescribe
rules and regulations for
Consuls.

(1) Act of U. S., April 14, 1792, ch. 24, § 9.

The prescribed uniform for consuls of the United States, to be worn on all visits of ceremony to the authorities of the place, and on all other proper occasions,¹ consists of the following parts and appendages, namely: A blue cloth dress coat, single breasted, with standing cape or collar, having the front, from the cape to the extremity of the skirts, and the cape, cuffs, and pocket flaps, embroidered in gold, not more than two inches wide, representing a vine of olive leaves. There should be upon the coat ten navy buttons in front; one navy button on each side of the cape; four on each cuff; four under each pocket flap; one on each hip and in the folds; two on each side of the skirts in the centre; one on each side at the lower extremity; and corresponding button-holes in front, extending the width of the embroidery, worked with gold thread. The vest should be white, with ten small navy buttons in front, and four under each pocket flap. The pantaloons should be blue cloth or white drilling, according to the season; or white small clothes, with gold knee and shoe

(1) *General Instructions*, ch. vi. art. 47.

buckles. In full dress a cocked hat is required, furnished with a gold loop, golden tassels, and a black cockade having a golden eagle in the centre ; also a small sword with gold or gilt mountings ; and a white belt with navy trimmings.

Each consulate is furnished with a seal of office, a flag, and the arms of the United States ; or, if not so furnished, immediate notice thereof should be given to the State Department. The seal, (of which a sample impression is exhibited upon the title-page of this work,) is to be securely kept, to be used by the consul alone, and only for official documents, as herein mentioned. The flag is to be unfurled above the consulate, always upon the approach and in the presence of American vessels ; to be lowered and raised, according to custom, as a salute on proper occasions ; and to be kept one day at half-mast upon the death of any American ship-master or distinguished citizen within the consulate. And the arms of the United States should be over the entrance, to designate the particular office of the consulate, which should be, if

practicable, distinct from any apartment for ordinary commercial or other affairs.

Every consulate should be supplied with at least three books: 1. For copies of the consular records. of the consular correspondence with the State Department, including all documents enclosed with the same; 2. For copies of all other official notes and letters, written by the consul or by his order, according to their dates; 3. A record of all the official consular acts, fairly written. Each of these books should have every written page successively numbered; every intended blank page, from either cover, crossed and unnumbered; and a precise index to the subject matter and parties named in every copy or record within.

All official papers or letters, received at the consulate, if suitable for preservation, should be labelled according to their subject matter, and when sufficient in number to form a volume, should be bound up, paged, and indexed in the same manner as the other books.

The customary commercial returns, by the consul, on the first day of every January and July, are required to

be according to the printed form, supplied to every consulate as a guide, with brief recapitulations annexed, specifying the number of vessels, the amount of tonnage, the number of seamen, and, if possible, the estimated value of cargoes. The consular statement of fees received, to accompany the returns, should also be according to a form, supplied as a guide for that purpose; and, in every communication, short marginal notes, indicating the subject matter, are particularly enjoined.¹

Each commercial return should have its date, with the name of the consul
Endorsements of communications. and consulate endorsed thereon; each statement of fees received should have the same endorsement, with the sum total of charges besides; and every communication should be accurately numbered, in succession, within and without.

All official letters, written by consuls or vice consuls, should be on foolscap
Forms of letters by consuls. paper, in a legible style, and with a margin, fully an inch wide, all around each page. They should severally be folded in a manner suitable for filing, ac-

(1) For the usual forms prescribed, see Appendix.

according to a given form ; be endorsed like commercial returns ; and each be enclosed in an envelope, upon which alone any direction, wafer or sealing wax should be placed.

The consuls of the United States are expected to write to the State Department, whenever any case of immediate importance occurs, and, without special occasion, at least once in three months, if only to apprise the department of their presence at their respective posts. They will report to the department in their correspondence, the state of trade in the respective countries where they are ; the commodities of export and import ; the countries which supply the latter ; the increase or decrease of either, and the probable cause of the same. They should note what privileges are allowed, or restrictions enforced, in the importation of goods, native or foreign to the country imported from, or if in native or foreign vessels ; and particularly mention all events which bear upon the commerce or navigation between their several consular districts and the United States. If no American vessel enter in or depart therefrom, and no fee be received within a half year previous, the fact

Subjects of
consular let-
ters.

should be stated in a despatch to the State Department. Consuls should inform the department of every new branch of industry within the bounds of their respective consulates; of every new source of trade developed therein; the increase or decline of any trade formerly established; and make any suggestion which possibly may tend to increase our commerce or navigation, or obviate any existing difficulty in either.

The tariff at each consulate; the tonnage duties and other port charges; the government ware-house regulations, if any; every law, edict, or notice, in any way affecting the commerce of any country beyond the consular district, should be immediately transmitted to the State Department; and if it should be a local regulation, operating only at one port, a copy thereof should be sent to the minister of the United States, within that country.

With the foregoing communications, each consul is expected to send to the State Department, or, if too bulky, through the care of the collector at one of our principal ports, sam-

Documents to
be sent by
consuls to
the United
States.

Commercial
samples to be
sent to the
United States.

ples of every new manufacture, and specimens of every new production, which may become valuable articles of commerce; and the seed of all plants and grain which may be cultivated to advantage in the United States.

In general, every American consul or commercial agent, in addition to his
To foster sources of commerce. notarial, mediatorial and other offices, for American citizens near him, is particularly enjoined to observe, and zealously to foster whatever may promote the commerce or navigation of the United States; and to report, freely, seasonably and faithfully, to the government of the United States, all important *facts* which may come to his knowledge, through authentic channels, respecting the political condition of the country in which he resides.

But he should never forget, in the discharge of his duties, the official
To respect the local authorities. privileges he enjoys within his consular district, and that it is by the favor of the supreme government thereof that he is recognised in a public capacity. He will, therefore, scrupulously abstain from

any participation, direct or indirect, or any open partiality in the political or sectional affairs of the country.

He should cautiously refrain from giving publicity, through the press or otherwise, to speculations or opinions injurious to the public institutions of the country, or to any person engaged in the administration of them; and even in his letters to the State Department, should avoid all unnecessary reflections upon the characters or conduct of individuals.

To avoid censoriousness and heedless offences.

A courteous and discreet conduct, on the part of a consul, cannot fail to secure many friends and favors for himself and his countrymen; whereas a burly, intriguing or partisan deportment may neutralize his official influence, and possibly interrupt the friendly intercourse existing between the country he serves and that of his consulate.

General deportment.

APPENDIX.

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APPENDIX.

I.

CHAP. 36. [9.] An act for the punishment of certain crimes against the United States, 30th April, 1790.

§ 1. *Be it enacted, &c.* That if any person or persons, owing allegiance to the United States of America, shall levy war against them, or shall adhere to their enemies, giving them aid and comfort within the United States, or elsewhere, and shall be thereof convicted, on confession in open court, or on the testimony of two witnesses to the same overt act of the treason whereof he or they shall stand indicted, such person or persons shall be adjudged guilty of treason against the United States, and shall suffer death.

§ 2. That if any person or persons, having knowledge of the commission of any of the treasons aforesaid, shall conceal, and not, as soon as may be, disclose and make known the same to the president of the United States, or some one of the judges thereof, or to the president or governor of a particular state, or some one of the judges or justices thereof, such person or persons, on conviction, shall be adjudged guilty of misprision of treason, and shall be imprisoned not exceeding seven years, and fined not exceeding one thousand dollars.

§ 6. That if any person or persons, having knowledge of the actual commission of the crime of wilful murder, or other felony, upon the high seas, or within any fort, arsenal, dockyard, magazine, or other place or district of country, under the sole and exclusive jurisdiction of the United States, shall conceal, and not, as soon as may be, disclose and make known the same to some one of the judges, or other persons in civil or military authority under the United States, on conviction thereof, such person or persons shall be adjudged guilty of misprision of felony, and shall be imprisoned not exceeding three years, and fined not exceeding five hundred dollars.

§ 8. That if any person or persons shall commit, upon the high seas, or in any river, haven, basin, or bay, out of the

jurisdiction of any particular state, murder or robbery, or any other offence, which, if committed within the body of a county, would, by the laws of the United States, be punishable with death; or if any captain or mariner, of any ship or other vessel, shall piratically and feloniously run away with such ship or vessel, or any goods, or merchandise, to the value of fifty dollars, or yield up such ship or vessel voluntarily to any pirate; or if any seaman shall lay violent hands upon his commander, thereby to hinder and prevent his fighting in defence of his ship, or goods committed to his trust, or shall make a revolt in the ship; every such offender shall be deemed, taken and adjudged to be, a pirate and felon, and being thereof convicted, shall suffer death: and the trial of crimes committed on the high seas, or in any place out of the jurisdiction of any particular state, shall be in the district where the offender is apprehended, or into which he may first be brought.

§ 9. That if any citizen shall commit any piracy or robbery aforesaid, or any act of hostility against the United States, or any citizen thereof, upon the high seas, under color of any commission from any foreign prince, or state, or on pretence of authority from any person, such offender shall, notwithstanding the pretence of any such authority, be deemed, adjudged, and taken to be, a pirate, felon, and robber, and on being thereof convicted, shall suffer death.

§ 10. That every person who shall, either upon the land or the seas, knowingly and wittingly aid and assist, procure, command, counsel or advise, any person or persons, to do or commit any murder or robbery, or other piracy aforesaid, upon the seas, which shall affect the life of such person, and such person or persons shall thereupon do or commit any such piracy or robbery, then all and every such person so as aforesaid aiding, assisting, procuring, commanding, counseling or advising, the same, either upon the land or the sea, shall be, and they are hereby declared, deemed and adjudged to be, accessory to such piracies before the fact, and every such person, being thereof convicted, shall suffer death.

§ 11. That after any murder, felony, robbery, or other piracy whatsoever aforesaid, is or shall be committed by any pirate or robber, every person who, knowing that such pirate or robber has done or committed any such piracy or robbery, shall, on the land or at sea, receive, entertain or conceal, any such pirate or robber, or receive or take into *his custody any ship, vessel, goods or chattels, which have been, by any such pirate or robber, piratically and feloniously*

ously taken, shall be, and are hereby declared, deemed and adjudged, to be accessory to such piracy or robbery, after the fact; and on conviction thereof, shall be imprisoned not exceeding three years, and fined not exceeding five hundred dollars.

§ 12. That if any seaman or other person shall commit manslaughter upon the high seas, or confederate, or attempt or endeavor to corrupt any commander, master, officer or mariner, to yield up or to run away with any ship or vessel, or with any goods, wares, or merchandize, or to turn pirate, or to go over to or confederate with pirates, or in any wise trade with any pirate, knowing him to be such, or shall furnish such pirate with any ammunition, stores or provisions, of any kind, or shall fit out any vessel, knowingly, and with a design, to trade with or supply or correspond with any pirate or robber upon the seas; or if any person or persons shall any ways consult, combine, confederate or correspond, with any pirate or robber on the seas, knowing him to be guilty of any such piracy or robbery; or if any seaman shall confine the master of any ship or other vessel, or endeavor to make a revolt in such ship; such person or persons, so offending, and being thereof convicted, shall be imprisoned not exceeding three years, and fined not exceeding one thousand dollars.

§ 13. That if any person or persons, within any of the places upon the land, under the sole and exclusive jurisdiction of the United States, or upon the high seas, in any vessel belonging to the United States, or to any citizen or citizens thereof, on purpose, and of malice aforethought, shall unlawfully cut off the ear or ears, or cut out or disable the tongue, put out an eye, slit the nose, cut off the nose or a lip, or cut off or disable any limb or member of any person, with the intention in so doing to maim or disfigure such person in any the manners beforementioned, then and in every such case, the person or persons so offending, their counselors, aiders and abettors, (knowing of and privy to the offence aforesaid) shall, on conviction, be imprisoned not exceeding seven years, and fined not exceeding one thousand dollars.

§ 14. That if any person or persons shall falsely make, alter, forge or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly act or assist in the false making, altering, forging or counterfeiting, any certificate, indent, or other public security of the United States, or shall utter, put off, or offer, or cause to be uttered, put off, or offered in payment or for sale, any such false, for-

ged, altered or counterfeited, certificate, indent or other public security, with intention to defraud any person, knowing the same to be false, altered, forged or counterfeited, and shall be thereof convicted, every such person shall suffer death.

§ 22. That if any person or persons shall, knowingly and wilfully, obstruct, resist, or oppose, any officer of the United States, in serving or attempting to serve or execute any mesne process, or warrant, or any rule or order of any of the courts of the United States, or any other legal or judicial writ or process whatsoever, or shall assault, beat or wound, any officer, or other person, duly authorized, in serving or executing any writ, rule, order, process, or warrant, aforesaid, every person so knowingly and wilfully offending in the premises, shall, on conviction thereof, be imprisoned not exceeding twelve months, and fined not exceeding three hundred dollars.

§ 23. That if any person or persons shall, by force, set at liberty, or rescue, any person who shall be found guilty of treason, murder, or any other capital crime, or rescue any person convicted of any of the said crimes, going to execution, or during execution, every person so offending, and being thereof convicted, shall suffer death: And if any person shall, by force, set at liberty, or rescue any person, who, before conviction, shall stand committed for any of the capital offences aforesaid; or if any person or persons shall, by force, set at liberty, or rescue any person committed for, or convicted of, any other offence against the United States, every person so offending, shall, on conviction, be fined not exceeding five hundred dollars, and imprisoned not exceeding one year.

§ 31. That no person or persons shall be prosecuted, tried, or punished, for treason, or other capital offence aforesaid, wilful murder or forgery excepted, unless the indictment for the same shall be found by a grand jury within three years next after the treason, or capital offence aforesaid, shall be done or committed; nor shall any person be prosecuted, tried, or punished, for any offence not capital, nor for any fine or forfeiture under any penal statute, unless the indictment or information for the same shall be found or instituted within two years from the time of committing the offence, or incurring the fine or forfeiture aforesaid: *Provided*, That *nothing herein contained shall extend to any person or persons fleeing from justice.*

CHAP. 56. [29.] An act for the government and regulation of seamen in the merchant's service, 20th July, 1790.

§ 1. *Be it enacted, &c.* That from and after the first day of December next, every master or commander of any ship or vessel bound from a port in the United States to any foreign port, or of any ship or vessel of the burthen of fifty tons or upwards, bound from a port in one state to a port in any other than an adjoining state, shall, before he proceed on such voyage, make an agreement in writing or in print, with every seaman or mariner on board such ship or vessel, (except such as shall be apprentice or servant to himself or owners,) declaring the voyage or voyages, term or terms of time, for which such seaman or mariner shall be shipped. And if any master or commander of such ship or vessel, shall carry out any seaman or mariner (except apprentices or servants as aforesaid) without such contract or agreement being first made and signed by the seamen and mariners, such master or commander shall pay to every such seaman or mariner, the highest price or wages which shall have been given at the port or place where such seaman or mariner shall have been shipped, for a similar voyage, within three months next before the time of such shipping: *Provided* such seaman or mariner shall perform such voyage: or if not, then for such time as he shall continue to do duty on board such ship or vessel; and shall, moreover, forfeit twenty dollars for every such seaman or mariner, one half to the use of the person prosecuting for the same, the other half to the use of the United States: and such seaman or mariner, not having signed such contract, shall not be bound by the regulations, nor subject to the penalties and forfeitures, contained in this act.

§ 2. That at the foot of every such contract, there shall be a memorandum in writing, of the day and the hour on which such seaman or mariner, who shall so ship and subscribe, shall render themselves on board, to begin the voyage agreed upon. And if any such seaman or mariner shall neglect to render himself on board the ship or vessel, for which he has shipped, at the time mentioned in such memorandum, and if the master, commander, or other officer of the ship or vessel, shall, on the day on which such neglect happened, make an entry in the logbook of such ship or vessel, of the name of such seaman or mariner, and shall, in like manner, note the time that he so neglected to render himself, (after the time appointed,) every such seaman or mariner shall

forfeit, for every hour which he shall so neglect to render himself, one day's pay, according to the rate of wages agreed upon, to be deducted out of his wages. And if any such seaman or mariner shall wholly neglect to render himself on board of such ship or vessel, or having rendered himself on board, shall afterwards desert and escape, so that the ship or vessel proceed to sea without him, every such seaman or mariner shall forfeit and pay to the master, owner, or consignee, of the said ship or vessel, a sum equal to that which shall have been paid to him by advance at the time of signing the contract, over and besides the sum so advanced, both which sums shall be recoverable in any court, or before any justice or justices of any state, city, town, or county, within the United States, which, by the laws thereof, have cognizance of debts of equal value, against such seaman or mariner, or his surety or sureties, in case he shall have given surety to proceed the voyage.

§ 3. That if the mate, or first officer under the master, and a majority of the crew of any ship or vessel, bound on a voyage to any foreign port, shall after the voyage is begun (and before the ship or vessel shall have left the land) discover that the said ship or vessel is too leaky, or is otherwise unfit in her crew, body, tackle, apparel, furniture, provisions or stores, to proceed on the intended voyage, and shall require such unfitness to be enquired into, the master or commander shall, upon the request of the said mate (or other officer) and such majority, forthwith proceed to or stop at the nearest and most convenient port or place where such enquiry can be made, and shall there apply to the judge of the district court, if he shall there reside, or if not, to some justice of the peace of the city, town, or place, taking with him two or more of the said crew, who shall have made such request; and thereupon such judge or justice is hereby authorized and required to issue his precept, directed to three persons in the neighborhood, the most skillful in maritime affairs, that can be procured, requiring them to repair on board such ship or vessel, and to examine the same, in respect to the defects and insufficiencies complained of, and to make report to him, the said judge or justice, in writing, under their hands, or the hands of two of them, whether in any, or in what, respect the said ship or vessel is unfit to proceed on the intended voyage, and what addition of men, provisions, or stores, or what repairs or alterations in the *body, tackle, or apparel*, will be necessary; and upon such report, the said judge or justice shall adjudge and determine.

and shall endorse on the said report his judgment, whether the said ship or vessel is fit to proceed on the intended voyage; and if not, whether such repairs can be made, or deficiencies supplied, where the ship or vessel then lays, or whether it be necessary for the said ship or vessel to return to the port from whence she first sailed, to be there refitted; and the master and crew shall in all things conform to the said judgment; and the master or commander shall, in the first instance, pay all the costs of such view, report, and judgment, to be taxed and allowed on a fair copy thereof, certified by the said judge or justice. But if the complaint of the said crew shall appear, upon the said report and judgment, to have been without foundation, then the said master, or the owner or consignee of such ship or vessel, shall deduct the amount thereof, and of reasonable damages for the detention (to be ascertained by the said judge or justice) out of the wages growing due to the complaining seamen or mariners. And if, after such judgment, such ship or vessel is fit to proceed on her intended voyage, or after procuring such men, provisions, stores, repairs, or alterations, as may be directed, the said seamen or mariners, or either of them, shall refuse to proceed on the voyage, it shall and may be lawful for any justice of the peace to commit, by warrant under his hand and seal, every such seaman or mariner, (who shall so refuse) to the common jail of the county, there to remain without bail or mainprise, until he shall have paid double the sum advanced to him at the time of subscribing the contract for the voyage, together with such reasonable costs as shall be allowed by the said justice, and inserted in the said warrant, and the surety or sureties of such seaman or mariner (in case he or they shall have given any) shall remain liable for such payment; nor shall any such seaman or mariner be discharged upon any writ of habeas corpus, or otherwise, until such sum be paid by him or them, or his or their surety or sureties, for want of any form of commitment or other previous proceedings. *Provided*, That sufficient matter shall be made to appear, upon the return of such habeas corpus and an examination then to be had, to detain him for the causes hereinbefore assigned.

§ 4. That if any person shall harbor, or secrete, any seaman or mariner, belonging to any ship or vessel, knowing them to belong thereto, every such person, on conviction thereof, before any court in the city, town or county, where he, she, or they, may reside, shall forfeit and pay ten dollars for every day which he, she, or they, shall continue so to

harbor or secrete such seaman or mariner, one half to the use of the person prosecuting for the same, the other half to the use of the United States; and no sum exceeding one dollar, shall be recoverable from any seaman or mariner by any one person, for any debt contracted during the time such seaman or mariner shall actually belong to any ship or vessel, until the voyage, for which such seaman or mariner engaged, shall be ended.

§ 5. That if any seaman or mariner who shall have subscribed such contract as is hereinbefore described, shall absent himself from on board the ship or vessel, in which he shall so have shipped, without leave of the master or officer commanding on board; and the mate, or other officer having charge of the logbook, shall make an entry therein of the name of such seaman or mariner, on the day on which he shall so absent himself, and if such seaman or mariner shall return to his duty within forty-eight hours, such seaman or mariner shall forfeit three days' pay for every day which he shall so absent himself, to be deducted out of his wages: but if any seaman or mariner shall so absent himself for more than forty-eight hours at one time, he shall forfeit all the wages due to him, and all his goods and chattels which were on board the said ship or vessel, or in any store where they may have been lodged at the time of his desertion, to the use of the owners of the ship or vessel, and moreover shall be liable to pay to him or them, all damages which he or they may sustain by being obliged to hire other seamen or mariners in his or their place; and such damages shall be recovered with costs, in any court, or before any justice or justices, having jurisdiction of the recovery of debts to the value of ten dollars, or upwards.

§ 6. That every seaman or mariner shall be entitled to demand and receive, from the master or commander of the ship or vessel to which they belong, one-third part of the wages which shall be due to him, at every port where such ship or vessel shall unlade and deliver her cargo before the voyage be ended, unless the contrary be expressly stipulated in the contract: and as soon as the voyage is ended, and the cargo or ballast be fully discharged at the last port of delivery, every seaman or mariner shall be entitled to the wages which shall be then due according to his contract; and if such wages shall not be paid within ten days after such discharge, or if any dispute shall arise between the master and seamen or mariners, touching the said wages, it shall be lawful for the judge of the district where the said ship or vessel

shall be, or in case his residence be more than three miles from the place, or of his absence from the place of his residence, then, for any judge or justice of the peace, to summon the master of such ship or vessel to appear before him, to show cause why process should not issue against such ship or vessel, her tackle, furniture, and apparel, according to the course of admiralty courts, to answer for the said wages: and if the master shall neglect to appear, or appearing, shall not show that the wages are paid, or otherwise satisfied or forfeited, and if the matter in dispute shall not be forthwith settled, in such case the judge or justice shall certify to the clerk of the court of the district, that there is sufficient cause of complaint whereon to found admiralty process, and thereupon the clerk of such court shall issue process against the said ship or vessel, and the suit shall be proceeded on in the said court, and final judgment be given according to the course of admiralty courts in such cases used; and in such suit all the seamen or mariners (having cause of complaint of the like kind against the same ship or vessel) shall be joined as complainants; and it shall be incumbent on the master or commander to produce the contract and logbook, if required, to ascertain, any matters in dispute; otherwise the complainants shall be permitted to state the contents thereof, and the proof of the contrary shall lie on the master or commander; but nothing herein contained shall prevent any seaman or mariner from having or maintaining any action at common law, for the recovery of his wages, or from immediate process out of any court having admiralty jurisdiction, wherever any ship or vessel may be found, in case she shall have left the port of delivery where her voyage ended before payment of the wages, or in case she shall be about to proceed to sea before the end of the ten days next after the delivery of her cargo or ballast.

§ 7. That if any seaman or mariner, who shall have signed a contract to perform a voyage, shall, at any port or place, desert, or shall absent himself from such ship or vessel, without leave of the master, or officer commanding in the absence of the master, it shall be lawful for any justice of peace within the United States (upon the complaint of the master) to issue his warrant to apprehend such deserter and bring him before such justice; and if it shall then appear, by due proof, that he has signed a contract within the intent and meaning of this act, and that the voyage agreed for is not finished, altered, or the contract otherwise dissolved, and that such seaman or mariner has

detained the ship or vessel, or absented himself without leave, the said justice shall commit him to the house of correction, or common gaol of the city, town, or place, there to remain until the said ship or vessel shall be ready to proceed on her voyage, or till the master shall require his discharge, and then to be delivered to the said master, he paying all the cost of such commitments, and deducting the same out of the wages due to such seaman or mariner.

§ 8. That every ship or vessel, belonging to a citizen or citizens of the United States, of the burthen of one hundred and fifty tons or upwards, navigated by ten or more persons in the whole, and bound on a voyage without the limits of the United States, shall be provided with a chest of medicines, put up by some apothecary of known reputation, and accompanied by directions for administering the same; [and every such vessel "of the burthen of seventy-five tons or upwards, navigated with six persons, or more, in the whole, and bound from the United States to any port or ports in the West Indies," shall be provided in like manner with a chest of medicines,*] and the said medicines shall be examined by the same or some other apothecary, once, at least, in every year, and supplied with fresh medicines in the place of such as shall have been used or spoiled; and in default of having such medicine chest so provided, and kept fit for use, the master or commander of such ship or vessel shall provide and pay for all such advice, medicine, or attendance of physicians, as any of the crew shall stand in need of in case of sickness, at every port or place where the ship or vessel may touch or trade at during the voyage, without any deduction from the wages of such sick seaman or mariner.

§ 9. That every ship or vessel, belonging as aforesaid, bound on a voyage across the Atlantic ocean, shall, at the time of leaving the last port from whence she sails, have on board, well secured under deck, at least sixty gallons of water, one hundred pounds of salted flesh meat, and one hundred pounds of wholesome shipbread, for every person on board such ship or vessel, over and besides such other provisions, stores, and live stock, as shall, by the master or passengers, be put on board, and in like proportion for shorter or longer voyages; and in case the crew of any ship or vessel, which shall not have been so provided, shall be put upon short allowance in water, flesh, or bread during the voy-

*Amendment of March 2, 1805, ch. 88.

age, the master or owner of such ship or vessel shall pay, to each of the crew, one day's wages beyond the wages agreed on, for every day they shall be so put to short allowance, to be recovered in the same manner as their stipulated wages.

CHAP. [36.] An act for the relief and protection of American seamen.
28th May, 1796.

§ 4. *Be it enacted*, That the collector of every district shall keep a book or books, in which, at the request of any seaman, being a citizen of the United States of America, and producing proof of his citizenship, authenticated in the manner hereinafter directed, he shall enter the name of such seaman, and shall deliver to him a certificate, in the following form, that is to say: "I, A. B, collector of the district of D, do hereby certify, That E F, an American seaman, aged years, or thereabouts, of the height of feet inches, [describing the said seaman as particularly as may be] has, this day, produced to me proof, in the manner directed in the act, entitled 'An act for the relief and protection of American seamen;' and, pursuant to the said act, I do hereby certify, that the said E F is a citizen of the United States of America: In witness whereof I have hereunto set my hand and seal of office, this day of ." And it shall be the duty of the collectors aforesaid. to file and preserve the proofs of citizenship, produced as aforesaid: And for each certificate delivered, as aforesaid, the said collectors shall be entitled to receive, from the seaman applying for the same, the sum of twenty-five cents.

§ 5. And, in order that full and speedy information may be obtained of the seizure or detention, by any foreign power, of any seamen employed on board any ship or vessel of the United States, *Be it further enacted*, That it shall, and hereby is declared to be the duty of the master of every ship or vessel of the United States, any of the crew whereof shall have been impressed or detained by any foreign power, at the first port at which such ship or vessel shall arrive, if such impressment or detention happened on the high seas, or if the same happened within any foreign port, then in the port in which the same happened, immediately to make a protest, stating the manner of such impressment or detention; by whom made, together with the name and place of residence of the person impressed or detained; distinguishing, also, whether he was an American citizen; and if not, to what nation he belonged. And it shall be the duty

of such master, to transmit by post, or otherwise, every such protest made in a foreign country, to the nearest consul or agent, or to the minister of the United States resident in such country, if any such there be; preserving a duplicate of such protest, to be by him sent, immediately after his arrival within the United States, to the Secretary of State, together with information to whom the original protest was transmitted: And in case such protest shall be made within the United States, or in any foreign country, in which no consul, agent, or minister, of the United States resides, the same shall, as soon thereafter as practicable, be transmitted, by such master, by post or otherwise, to the Secretary of State.

CHAP. 94] An act for the relief of sick and disabled seamen. 16th July, 1798.

§ 1. *Be it enacted, &c.* That from and after the first day of September next, the master or owner of every ship or vessel of the United States, arriving from a foreign port into any port of the United States, shall, before such ship or vessel shall be admitted to an entry, render to the collector a true account of the number of seamen that shall have been employed on board such vessel since she was last entered at any port in the United States, and shall pay, to the said collector, at the rate of twenty cents per month for every seaman so employed; which sum he is hereby authorized to retain out of the wages of such seamen.

§ 3. That it shall be the duty of the several collectors to make a quarterly return of the sums collected by them, respectively, by virtue of this act, to the Secretary of the Treasury; and the President of the United States is hereby authorized, out of the same, to provide for the temporary relief and maintenance of sick, or disabled seamen, in the hospitals or other proper institutions now established in the several ports of the United States, or in ports where no such institutions exist, then in such other manner as he shall direct: *Provided*, That the moneys collected in any one district, shall be expended within the same.

CHAP. 61. An act to amend an act intituled "An Act for the relief of sick and disabled seamen," and for other purposes.
May 3, 1802.

Be it enacted, &c., That the monies heretofore collected in pursuance of the several acts "for the relief of sick and disabled seamen," and at present unexpended, together with

the monies hereafter to be collected by authority of the before-mentioned acts, shall constitute a general fund, which the President of the United States shall use and employ as circumstances shall require for the benefit and convenience of sick and disabled American seamen: *Provided*, that the sum of fifteen thousand dollars be, and the same is hereby appropriated for the erection of an hospital in the district of Massachusetts.

§ 5. *And be it further enacted*, That each and every director of the marine hospitals within the United States, shall, if it can with convenience be done, admit into the hospital of which he is director, sick foreign seamen, on the application of the master or commander of any foreign vessel to which such sick seamen may belong; and each seaman so admitted shall be subject to a charge of seventy-five cents per day for each day he may remain in the hospital, the payment of which the master or commander of such foreign vessel shall make to the collector of the district in which such hospital is situated; and the collector shall not grant a clearance to any foreign vessel, until the money due from such master or commander, in manner and form aforesaid, shall be paid; and the director of each hospital is hereby directed, under the penalty of fifty dollars, to make out the accounts against each foreign seaman that may be placed in the hospital, under his direction, and render the same to the collector.

Chap. (34.) An Act concerning Consuls and Vice Consuls. 14th April 1792.

[Sect. 1., relating solely to the Consular convention with France, now obsolete.]

§ 2. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled*, That they shall have right in the ports or places to which they are, or may be, severally appointed, of receiving the protests or declarations which such captains, masters, crews, passengers, and merchants, as are citizens of the United States, may, respectively, choose to make there; and, also, such as any foreigner may choose to make before them, relative to the personal interest of any citizens of the United States; and the copies of the said acts, duly authenticated by the said Consuls or Vice Consuls, under the seal of their consulates, respectively, shall receive faith in law, equally as their originals would in all courts in the United States. *It shall be their duty*, where the laws of the country permit,

to take possession of the personal estate left by any citizen of the United States, other than seamen belonging to any ship or vessel, who shall die within their consulates, leaving there no legal representative, partner in trade, or trustee by him appointed to take care of his effects; they shall inventory the same, with the assistance of two merchants of the United States, or, for want of them, of any others, at their choice; shall collect the debts due to the deceased in the country where he died, and pay the debts due from his estate, which he shall have there contracted; shall sell at auction, after reasonable public notice, such part of the estate as shall be of a perishable nature, and such further part, if any, as shall be necessary for the payment of his debts, and at the expiration of one year from his decease, the residue; and the balance of the estate they shall transmit to the Treasury of the United States, to be holden in trust for the legal claimants. But if, at any time before such transmission, the legal representative of the deceased shall appear and demand his effects in their hands, they shall deliver them up, being paid their fees, and shall cease their proceedings.

For the information of the representative of the deceased, it shall be the duty of the Consul or Vice Consul authorized to proceed as aforesaid in the settlement of his estate, immediately to notify his death in one of the gazettes published in the consulate, and also to the Secretary of State, that the same may be notified in the State to which the deceased shall belong; and he shall also, as soon as may be, transmit to the Secretary of State an inventory of the effects of the deceased taken as before directed.

§ 3. *And be it further enacted*, That the said Consuls and Vice Consuls, in cases where ships or vessels of the United States shall be stranded on the coasts of their consulates, respectively, shall, as far as the laws of the country will permit, take proper measures, as well for the purpose of saving the said ships or vessels, their cargoes and appurtenances, as for storing and securing the effects and merchandize saved, and for taking an inventory or inventories thereof; and the merchandise and effects saved, with the inventory or inventories thereof, taken as aforesaid, shall, after deducting therefrom the expense, be delivered to the owner or owners; *Provided*, That no Consul or Vice Consul shall have authority to take possession of any such goods, wares, merchandize, or other property, when the master, owner, or consignee thereof is present, or capable of taking possession of the same.

§ 4. *And be it further enacted*, That it shall and may be lawful for every Consul and Vice Consul of the United States to take and receive the following fees of office for the services which he shall have performed :

For authenticating, under the consular seal, every protest, declaration, deposition, or other act, which such captains, masters, mariners, seamen, passengers, merchants, or others, as are citizens of the United States, may respectively choose to make, the sum of two dollars ;

For the taking into possession, inventorying, selling, and finally selling and paying, or transmitting, as aforesaid, the balance due on the personal estate left by any citizen of the United States who shall die within the limits of his consulate, five per centum on the gross amount of such estate ;

For taking into possession, and otherwise proceeding on, any such estate which shall be delivered over to the legal representative before a final settlement of the same, as is hereinbefore directed, two and a half per centum on such part delivered over as shall not be in money, and five per centum on the gross amount of the residue.

And it shall be the duty of the Consuls and Vice Consuls of the United States to give receipts for all fees which they shall receive by virtue of this act, expressing the particular services for which they are paid.

§ 5. *And be it further enacted*, That in case it be found necessary for the interest of the United States that a Consul or Consuls be appointed to reside on the coast of Barbary, the President be authorized to allow an annual salary, not exceeding two thousand dollars, to each person so to be appointed : *Provided*, That such salary be not allowed to more than one Consul for any one of the States on the said coast.

§ 6. *And be it further enacted*, That every Consul and Vice Consul shall, before they enter on the execution of their trusts, or, if already in the execution of the same, within one year from the passing of this act, or, if resident in Asia, within two years, give bond, with such sureties as shall be approved by the Secretary of State, in a sum of not less than two thousand, nor more than ten thousand dollars, conditioned for the true and faithful discharge of the duties of his office, according to law, and also for truly accounting for all moneys, goods, and effects, which may come into his possession by virtue of this act : and the said bond shall be lodged in the office of the Secretary of the Treasury.

§ 9. *And be it further enacted*, That the specification of certain powers and duties in this act, to be exercised or per-

formed by the Consuls and Vice Consuls of the United States, shall not be construed to the exclusion of others resulting from the nature of their appointments, or any treaty or convention under which they may act.

Chap. (62.) An Act supplementary to the "Act concerning Consuls and Vice Consuls," and for the further protection of American seamen, 23d February, 1803.

§ 1. *Be it enacted, &c.*, That, before a clearance be granted to any vessel bound on a foreign voyage, the master thereof shall deliver to the collector of the customs a list, containing the names, places of birth, and residence, and a description of the persons who compose his ship's company, to which list the oath or affirmation of the captain shall be annexed, that the said list contains the names of his crew, together with the places of their birth and residence, as far as he can ascertain them, and the said collector shall deliver him a certified copy thereof, for which the collector shall be entitled to receive the sum of twenty-five cents; and the said master shall, moreover, enter into bond, with sufficient security, in the sum of four hundred dollars, that he shall exhibit the aforesaid certified copy of the list to the first boarding officer at the first port in the United States at which he shall arrive, on his return thereto, and then and there also produce the persons named therein to the said boarding officer, whose duty it shall be to examine the men with such list, and to report the same to the collector; and it shall be the duty of the collector at the said port of arrival, (where the same is different from the port from which the vessel originally sailed,) to transmit a copy of the list so reported to him, to the collector of the port from which said vessel originally sailed: *Provided*, That the said bond shall not be forfeited on account of the said master not producing to the first boarding officer, as aforesaid, any of the persons contained in the said list, who may be discharged in a foreign country with the consent of the Consul, Vice Consul, Commercial Agent, or Vice Commercial Agent, there residing, signified in writing, under his hand and official seal, to be produced to the collector with the other persons composing the crew, as aforesaid; nor on account of any such person dying or absconding, or being forcibly impressed into other service, of which satisfactory proof shall be then also exhibited to the collector.

§ 2. *And be it enacted*, That it shall be the duty of every master or commander of a ship or vessel belonging to citi-

zens of the United States, who shall sail from any port of the United States, after the first day of May next, on his arrival at a foreign port, to deposite his register, sea letter, and Mediterranean passport, with the Consul, Vice Consul, Commercial Agent, or Vice Commercial Agent, (if any there be at such port;) that in case of refusal or neglect of the said master or commander to deposite the said papers as aforesaid, he shall forfeit and pay five hundred dollars, to be recovered by the said Consul, Vice Consul, Commercial Agent, or Vice Commercial Agent, in his own name, for the benefit of the United States, in any court of competent jurisdiction; and it shall be the duty of such Consul, Vice Consul, Commercial Agent, or Vice Commercial Agent, on such master or commander producing to him a clearance from the proper officer of the port where his ship or vessel may be, to deliver to the said master or commander all of his said papers: *Provided*, Such master or commander shall have complied with the provisions contained in this act, and those of the act to which this is a supplement.

§ 3. *And be it further enacted*, That whenever a ship or vessel belonging to a citizen of the United States shall be sold in a foreign country, and her company discharged, or when a seaman or mariner, a citizen of the United States, shall, with his own consent, be discharged in a foreign country, it shall be the duty of the master or commander to produce to the Consul, Vice Consul, Commercial Agent, or Vice Commercial Agent, the list of his ship's company, certified as aforesaid, and to pay to such Consuls, Vice Consuls, Commercial Agent, or Vice Commercial Agent, for every seaman or mariner so discharged, being designated on such list as a citizen of the United States, three months' pay over and above the wages which may then be due to such mariner or seaman, two-thirds thereof to be paid by such Consul or Commercial Agent, to each seaman or mariner so discharged, upon his engagement on board of any vessel to return to the United States, and the other remaining third to be retained for the purpose of creating a fund for the payment of the passages of seamen or mariners, citizens of the United States, who may be desirous of returning to the United States, and for the maintenance of American seamen who may be destitute, and may be in such foreign port; and the several sums retained for such fund shall be accounted for with the Treasury every six months, by the persons receiving the same.

§ 4. *And be it further enacted*, That it shall be the duty

on paying and receiving the amount of wages payable on the discharge of seamen in foreign ports, two and a half per centum.

§ 7. *And be it further enacted*, That if any Consul, Vice Consul, Commercial Agent, or Vice Commercial Agent, shall, falsely and knowingly, certify that property belonging to foreigners is property belonging to citizens of the United States, he shall, on conviction thereof, in any court of competent jurisdiction, forfeit and pay a fine not exceeding ten thousand dollars, at the discretion of the court, and be imprisoned for any term not exceeding three years.

§ 8. *And be it further enacted*, That if any Consul, Vice Consul, Commercial Agent, or Vice Commercial Agent, shall grant a passport, or other paper, certifying that any alien, knowing him or her to be such, is a citizen of the United States, he shall, on conviction thereof, in any court of competent jurisdiction, forfeit and pay a fine not exceeding one thousand dollars.

§ 9. That all powers of Attorney, executed after 30th June next, in a foreign country, for the transfer of any stock of the United States, or for the receipt of interest thereon, shall be verified by the certificate and seal of a Consul, Vice Consul, Commercial Agent, or Vice Commercial Agent, if any there be at the place where the same shall be executed, for which the person giving the certificate shall receive fifty cents.

CHAP. 40. An act in addition to the act intituled "An act for the punishment of certain crimes against the United States."

March 26, 1804.

Be it enacted. &c., That any person, not being an owner, who shall, on the high seas, wilfully and corruptly cast away, burn, or otherwise destroy any ship or other vessel unto which he belongeth, being the property of any citizen or citizens of the United States, or procure the same to be done, and being thereof lawfully convicted, shall suffer death.

§ 2. *Be it further enacted*, That if any person shall, on the high seas, wilfully and corruptly cast away, burn, or otherwise destroy any ship or vessel of which he is owner, in part or in whole, or in any wise direct or procure the same to be done, with intent or design to prejudice any person or persons that hath underwritten, or shall underwrite any policy or policies of insurance thereon, or of any merchant or merchants that shall load goods thereon, or of any other owner or owners of such ship or vessel, the person or pe-

sons offending therein being thereof lawfully convicted, shall be deemed and adjudged guilty of felony, and shall suffer death.

§ 3. *And be it further enacted*, That any person or persons guilty of any crime arising under the revenue laws of the United States, or incurring any fine or forfeiture by breaches of the said laws, may be prosecuted, tried and punished, provided the indictment or information be found at any time within five years after committing the offence or incurring the fine or forfeiture, any law or provision to the contrary notwithstanding.

CHAP. 44. An act fixing the compensation of public Ministers, and of Consuls residing on the coast of Barbary, and for other purposes.
May 1st, 1810.

§ 4. *And be it further enacted*, That it shall not be lawful for the consuls of the United States, residing on the Barbary coast, or either of them, to expend or to disburse or pay, or cause to be paid for any purpose or on any pretence whatever, not authorized by law, to any one of the Barbary powers, or to the officers or subjects thereof, a greater sum than three thousand dollars in any one year, with intent to charge the United States with the same, without first obtaining a special approbation in writing, from the President of the United States, for that purpose. And every such consul who shall, after notice of this act, expend or disburse, or pay, or cause to be paid for any purpose, or on any pretence whatever, not authorized by law, to any one of the Barbary powers, or to the officers or subjects thereof, a greater sum than three thousand dollars in any one year, or shall be aiding or assisting therein, without first obtaining the approbation of the President as aforesaid, shall forfeit and pay to the treasury of the United States a sum equal to one half his yearly compensation: and shall moreover stand charged with, and be accountable for all monies so disbursed or paid, contrary to the provisions of this act.

§ 5. *And be it further enacted*, That from and after the first day of November next, no consul of the United States, residing on the Barbary coast, shall own, in whole or in part any ship or vessel, to be concerned directly or indirectly in the exportation from, or importation to any of the states on the coast of Barbary, of any goods, wares or merchandize, on penalty that every consul so offending, and being thereof convicted, shall for every offence forfeit a sum not exceeding one thousand dollars.

§ 6. *And be it further enacted*, That it shall be the duty of the consuls residing on the Barbary coast to transmit to the Secretary of the treasury annually, an account of all monies received, and of all disbursements or expenditures made by them respectively, for or on account of the United States, and the particular purpose to which the monies have been applied, and the vouchers to support the same: and the Secretary of the Treasury shall transmit to Congress, within two months after the commencement of the first session thereof in every year, a statement of all the monies disbursed from the treasury of the United States, for expenses of intercourse with the Barbary powers during the preceding year, therein noting, as far as can be ascertained at the treasury, the sums received by the respective agents or consuls, and the purposes to which the same have been applied.

CHAP. 42. An act for the regulation of seamen on board the public and private vessels of the United States. 3d March, 1813.

Be it enacted, &c, That from and after the termination of the war in which the United States are now engaged with Great Britain, it shall not be lawful to employ on board any of the public or private vessels of the United States any person or persons except citizens of the United States, or persons of color, natives of the United States.

§ 2. *And be it further enacted*, That from and after the time when this act shall take effect, it shall not be lawful to employ as aforesaid, any naturalized citizen of the United States, unless such citizen shall produce to the commander of the public vessel, if to be employed on board such vessel, or to a collector of customs, a certified copy of the act by which he shall have been naturalized, setting forth such naturalization and the time thereof.

§ 5. *And be it further enacted*, That from and after the time when this act shall take effect, no seaman or other seafaring man, not being a citizen of the United States, shall be admitted or received as a passenger on board of any public or private vessel of the United States, in a foreign port, without permission in writing from the proper officers of the country of which such seaman or seafaring man may be subject or citizen.

§ 6. *And be it further enacted*, That from and after the time when this act shall take effect, the consuls or commercial agents of any nation at peace with the United States shall be admitted (under such regulations as may be prescribed by the President of the United States) to state their

objections to the proper commander or collector as aforesaid, against the employment of any seaman or seafaring man on board of any public or private vessel of the United States, on account of his being a native subject or citizen of such nation, and not embraced within the description of persons who may be lawfully employed, according to the provisions of this act; and the said consuls or commercial agents shall also be admitted under the said regulations, to be present at the time when the proofs of citizenship of the persons against whom such objections may have been made, shall be investigated by such commander or collector.

§ 7. *And be it further enacted*, That if any commander of a public vessel of the United States, shall knowingly employ or permit to be employed, or shall admit or receive, or permit to be admitted or received, on board his vessel, any person whose employment or admission is prohibited by the provisions of this act, he shall on conviction thereof forfeit and pay the sum of one thousand dollars for each person thus unlawfully employed or admitted on board such vessel.

§ 8. *And be it further enacted*, That if any person shall contrary to the prohibitions of this act, be employed, or be received on board of any private vessel, the master or commander, and the owner or owners of such vessel, knowing thereof, shall respectively forfeit and pay five hundred dollars for each person thus unlawfully employed or received in any one voyage; which sum or sums shall be recovered, although such seaman or person shall have been admitted and entered in the certified list of the crew aforesaid, by the collector for the district to which the vessel may belong; and all penalties and forfeitures arising under or incurred by virtue of this act, may be sued for, prosecuted, and recovered, with costs of suit by action of debt, and shall accrue and be one moiety thereof to the use of the person who shall sue for the same, and the other moiety thereof to the use of the United States.

§ 9. *And be it further enacted*, That nothing in this act contained shall be construed to prohibit any commander or master of a public or private vessel of the United States, whilst in a foreign port or place, from receiving any American seamen in conformity to law, or supplying any deficiency of seamen on board such vessel, by employing American seamen, or subjects of such foreign country, the employment of whom shall not be prohibited by the laws thereof.

§ 10. *And be it further enacted*, That the provisions of this act shall have no effect or operation with respect to the em-

ployment as seamen of the subjects or citizens of any foreign nation which shall not, by treaty or special convention with the government of the United States, have prohibited on board of her public and private vessels the employment of native citizens of the United States, who have not become a citizen or subject of such nation.

§ 12. *And be it further enacted*, That no person who shall arrive in the United States, from and after the time when this act shall take effect, shall be admitted to become a citizen of the United States, who shall not for the continued term of five years next preceding his admission as aforesaid have resided within the United States, without being at any time during the said five years, out of the territory of the United States.

CHAP. 31. An act concerning the navigation of the United States
1st March, 1817.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That after the thirtieth day of September next, no goods, wares, or merchandize, shall be imported into the United States from any foreign port or place, except in vessels of the United States, or in such foreign vessels as truly and wholly belong to the citizens or subjects of that country of which the goods are the growth, production, or manufacture; or from which such goods, wares, or merchandise, can only be, or most usually are, first shipped for transportation: *Provided, nevertheless*. That this regulation shall not extend to the vessels of any foreign nation which has not adopted, and which shall not adopt, a similar regulation.

§ 2. *And be it further enacted*, That all goods, wares, or merchandize, imported into the United States contrary to the true intent and meaning of this act, and the ship or vessel wherein the same shall be imported, together with her cargo, tackle, apparel, and furniture, shall be forfeited to the United States; and such goods, wares, or merchandize, ship, or vessel, and cargo, shall be liable to be seized, prosecuted, and condemned, in like manner, and under the same regulations, restrictions, and provisions, as have been heretofore established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws.

§ 6. *And be it further enacted*, That after the thirtieth day of September next, there shall be paid upon every ship or vessel of the United States, which shall be entered in the

has been entered; and any consul offending against the provisions of this act shall, upon conviction thereof before the Supreme Court of the United States, be fined at the discretion of the court in a sum not less than five hundred dollars, nor exceeding five thousand dollars.

CHAP. 41. [202.] An act to provide for the apprehension and delivery of deserters from certain foreign vessels in the ports of the United States. 2d March, 1829.

§ 1. *Be it enacted, &c.* That on application of a consul or vice-consul of any foreign government, having a treaty with the United States, stipulating for the restoration of seamen deserting, made in writing, stating that the person therein named has deserted from a vessel of any such government while in any port of the United States, and on proof by the exhibition of the register of the vessel, ship's roll, or other official document, that the person named belonged, at the time of desertion, to the crew of said vessel, it shall be the duty of any court, judge, justice, or other magistrate, having competent power, to issue warrants to cause the said person to be arrested for examination: and if, on examination, the facts stated are found to be true, the person arrested, not being a citizen of the United States, shall be delivered up to the said consul or vice-consul, to be sent back to the dominions of any such government, or, on the request, and at the expense, of the said consul or vice-consul, shall be detained until the consul or vice-consul finds an opportunity to send him back to the dominions of any such government: *Provided, nevertheless,* That no person shall be detained more than two months after his arrest; but at the end of that time shall be set at liberty, and shall not be again molested for the same cause: *And provided further,* That if any such deserter shall be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which the case shall be depending, or may be cognizable, shall have pronounced its sentence, and such sentence shall have been carried into effect.

CHAP. 170. [46.] Acts relating to passenger ships and vessels. March 2, 1819.

§ 4. *Be it enacted, &c.* That the master of any vessel arriving in the United States, or any of the territories thereof, from any foreign place whatever, at the same time that he delivers a manifest of the cargo, and, if there be no cargo, then at the time of making report or entry of the ship or

vessel pursuant to the existing laws of the United States, shall also deliver and report, to the collector of the district in which such vessel shall arrive, a list or manifest of all the passengers taken on board of the vessel at any foreign port or place; in which list or manifest it shall be the duty of the master, to designate, particularly, the age, sex, and occupation, of the passengers respectively, the country to which they severally belong, and that of which it is their intention to become inhabitants; and shall further set forth whether any and what number, have died on the voyage; which report and manifest shall be sworn to by said master in the same manner as is directed by the existing laws of the United States in relation to the manifest of the cargo, and that the refusal or neglect of the master to comply with the provisions of this section, shall incur the same penalties, disabilities, and forfeitures, as are at present provided for a refusal or neglect to report or deliver a manifest of the cargo.

CHAP. 16, An Act regulating the carrying of passengers. February 22, 1847.

§ 1. *And be it further enacted*, That if the master of any vessel owned in whole or in part by a citizen of the United States, or by a citizen of any foreign country, shall take on board such vessel, at any foreign port or place, a greater number of passengers than in the following proportion, to the space occupied by them, and appropriated for their use, and unoccupied by stores or other goods, not being the personal luggage of such passengers—that is to say, on the lower deck or platform one passenger for every fourteen clear superficial feet of deck, [if the height between decks be more than 6 feet; or 16 superficial feet, if the height be less than 6 feet and not less than 5 feet; or 22 superficial feet, if the height between decks be less than 5 feet;*] if such vessel is not to pass within the tropics during such voyage: but if such vessel is to pass within the tropics during such voyage, then one passenger for every twenty such clear superficial feet of the lower deck, [instead of 16, when the height between decks is over 5 feet,] and on the orlop deck (if any) one passenger for every thirty such superficial feet in all cases—with intent to bring such passengers to the United States, and shall leave such port or place with the same, and bring the same, or any number thereof, within the jurisdiction of the United States, or if any such master of a vessel shall take on board of his vessel at any port or place within the juris-

*As amended by § 8 of the act of 1848.

dition of the United States, any greater number of passengers than the proportions aforesaid admit, with intent to carry the same to any foreign port or place, every such master shall be deemed guilty of a misdemeanor, and shall, for each passenger taken on board beyond the above proportions, be fined in the sum of fifty dollars, and may also be imprisoned for any term, not exceeding one year.

§ 2. That if the passengers so taken on board of such vessel, and brought into or transported from the United States, shall exceed the number limited by the last section to the number of twenty in the whole, such vessel shall be forfeited.

§ 3. That if any such vessel shall have more than two tiers of berths, or in case, in such vessel, the interval between the floor and the deck or platform beneath shall not be at least six inches, and the berths well constructed, or in case the dimensions of such berths shall not be at least six feet in length, and at least eighteen inches in width, for each passenger as aforesaid, then the master and the owners, severally, shall forfeit and pay the sum of five dollars for each and every passenger on board of said vessel on such voyage.

§ 4. That for the purposes of this act, it shall in all cases be computed that two children, each being under the age of eight years, shall be equal to one passenger, and that children under the age of one year shall not be included in the computation of the number of passengers.

§ 5. That the amount of the several penalties imposed by this act shall be liens on the vessel violating its provisions: and such vessel may be libelled and sold therefor in the district court of the United States aforesaid in which such vessel shall arrive.

CHAP. 41. An Act for the ventilation of passenger vessels. May 17, 1848.

§ 1. *And be it further enacted*, That all vessels, whether of the United States or any other country, having sufficient capacity according to law, for fifty or more passengers, (other than cabin passengers,) shall, when employed in transporting such passengers between the United States and Europe, have on the upper deck for the use of such passengers, a house over the passage-way leading to the apartment allotted to such passengers below deck, firmly secured to the deck or combings of the hatch, with two doors, the sills of which shall be at least one foot above the deck, so constructed that one door or window in such house may at all times be left open for ventilation; and all vessels so employed,

and having the capacity to carry one hundred and fifty such passengers, or more, shall have two such houses; and the stairs or ladder leading down to the aforesaid apartment shall be furnished with a hand-rail of wood or strong rope: *Provided nevertheless*, Booby-hatches may be substituted for such houses in vessels having three permanent decks.

§ 2. That every such vessel so employed, and having the legal capacity for more than one hundred such passengers, shall have at least two ventilators to purify the apartment or apartments occupied by such passengers; one of which shall be inserted in the after part of the apartment or apartments, and the other shall be placed in the forward portion of the apartment or apartments: and one of them shall have an exhausting cap to carry off the foul air, and the other a receiving cap to carry down the fresh air; which said ventilators shall have a capacity proportioned to the size of the apartment or apartments to be purified; namely, if the apartment or apartments will lawfully authorize the reception of two hundred such passengers, the capacity of such ventilators shall, each of them, be equal to a tube of twelve inches diameter in the clear, and in proportion for larger or smaller apartments; and all said ventilators shall rise at least four feet six inches above the upper deck of any such vessel, and be of the most approved form and construction; *Provided*, That if it shall appear, from the report to be made and approved, as provided in the seventh section of this act, that such vessel is equally well ventilated by any other means, such other means of ventilation shall be deemed, and held to be, a compliance with the provisions of this section.

§ 3. That every vessel carrying more than fifty such passengers, shall have for their use on deck, housed and conveniently arranged, at least one camboose or cooking range, the dimensions of which shall be equal to four feet long and one foot six inches wide for every two hundred passengers; and provisions shall be made in the manner aforesaid, in this ratio for a greater or less number of passengers: *Provided, however*, And nothing herein contained shall take away the right to make such arrangements for cooking between decks, if that shall be deemed desirable.

§ 4. That all vessels employed as aforesaid, shall have on board for the use of such passengers, at the time of leaving the last port whence such vessel shall sail, well secured under deck, for each passenger, at least fifteen pounds of good navy bread, ten pounds of rice, ten pounds of oatmeal, ten

pounds of wheat flour, ten pounds of peas and beans, thirty-five pounds of potatoes, one pint of vinegar, sixty gallons of fresh water, ten pounds of salted pork, free of bone, all to be of good quality, and a sufficient supply of fuel for cooking; but at places where either rice, oatmeal, wheat flour, or peas and beans cannot be procured, of good quality and on reasonable terms, the quantity of either or any of the other last named articles may be increased and substituted therefor; and in case potatoes cannot be procured on reasonable terms, one pound of either of said articles may be substituted in lieu of five pounds of potatoes; and the captains of such vessels shall deliver to each passenger at least one-tenth part of the aforesaid provisions weekly, commencing on the day of sailing, and daily at least three quarts of water, and sufficient fuel for cooking; and if the passengers on board of any such vessel in which the provisions, fuel and water herein required shall not have been provided as aforesaid, shall at any time be put on short allowance during any voyage, the master or owner of any such vessel shall pay to each and every passenger who shall have been put on short allowance, the sum of three dollars for each and every day they may have been on such short allowance, to be recovered in the circuit or district court of the United States: *Provided, nevertheless*, And nothing herein contained shall prevent any passenger, with the consent of the captain, from furnishing for himself the articles of food herein specified; and, if put on board in good order, it shall fully satisfy the provisions of this act so far as regards food: *And provided, further*, That any passenger may, also, with the consent of the captain, furnish for himself an equivalent for the articles of food required in other and different articles; and if, without waste or neglect on the part of the passenger, or inevitable accident, they prove insufficient, and the captain shall furnish comfortable food to such passengers during the residue of the voyage, this in regard to food shall also be a compliance with the terms of this act.

§ 5. That the captain of any such vessel so employed is hereby authorized to maintain good discipline, and such habits of cleanliness among such passengers as will tend to the preservation and promotion of health; and to that end he shall cause such regulations as he may adopt for this purpose to be posted up before sailing, on board such vessel, in a place accessible to such passengers, and shall keep the same so posted up during the voyage; and it is hereby made the duty of said captain to cause the apartment occupied by

such passengers to be kept, at all times, in a clean, healthy state, and the owners of every such vessel so employed are required to construct the decks, and all parts of said apartment, so that it can be thoroughly cleansed; and they shall also provide a safe convenient privy or water-closet for the exclusive use of every one hundred such passengers. And when the weather is such that said passengers cannot be mustered on deck with their bedding, it shall be the duty of the captain of every such vessel to cause the deck occupied by such passengers to be cleaned with chloride of lime or some other equally efficient disinfecting agent, and also at such other times as said captain may deem necessary.

§ 6. That the master and owner or owners of any such vessel so employed, which shall not be provided with the house or houses over the passage-ways, as prescribed in the first section of this act; or with the ventilators as prescribed in the second section of this act; or with the cambooses or cooking ranges, with the houses over them, as prescribed in the third section of this act; shall severally forfeit and pay to the United States the sum of two hundred dollars for each and every violation of, or neglect to conform to the provisions of each of said sections; and fifty dollars for each and every neglect or violations of any of the provisions of the fifth section of this act; to be recovered by suit in any circuit or district court of the United States, within the jurisdiction of which the said vessel may arrive, or from which it may be about to depart, or at any place within the jurisdiction of such courts, wherever the owner or owners, or captain of such vessel may be found.

CHAP. [31.] An Act supplementary to, and to amend an act, entitled "An act to regulate the duties on imports and tonnage," passed second March, one thousand seven hundred and ninety-nine, and for other purposes, 1st March, 1823.

SEC. 7. *Be it enacted, &c.,* That no goods, wares, or merchandize, subject to ad valorem duty, imported as aforesaid, and belonging to a person or persons not residing at the time in the United States, and who shall have actually purchased the same, shall be admitted to entry, unless the invoice be verified by the oath of the owner, or one of the owners, certifying that the said goods, wares, or merchandize, were actually purchased for his account, or for account of himself and partners in the said purchase: that the invoice annexed thereto contains a true and faithful account of the actual cost thereof, and of all charges thereon, and that no discounts, bounties, or drawbacks, are contained in the said

invoice, but such as have been actually allowed on the same; which said oath shall be administered by a consul or commercial agent of the United States: or by some public officer duly authorized to administer oaths in the country where the said goods, wares, or merchandize, shall have been purchased, and the same duly certified by the said consul, commercial agent, or public officer; in which latter case, such official certificate shall be authenticated by a consul or commercial agent of the United States; *Provided*, That if there be no consul or commercial agent of the United States in the country from which the said goods, wares, or merchandize, shall have been imported, the authentication hereby required, shall be executed by a consul of a nation at the time in amity with the United States, if there be any such residing there; and if there be no such consul in the country the said authentication shall be made by two respectable merchants, if any such there be, residing in the port from which the said goods, wares, or merchandize, shall have been imported.

§ 8. *And be it further enacted*, That no goods, wares, or merchandize, subject to ad valorem duty, imported as aforesaid, and belonging to a person or persons not residing at the time in the United States, who may not have acquired the same in the ordinary mode of bargain and sale, or belonging to a person or persons who may be the manufacturer or manufacturers, in whole or in part, of the same, shall be admitted to entry, unless the invoice thereof be verified by the oath of the owner, or one of the owners, certifying that the invoice contains a true and faithful account of the said goods, wares, or merchandize, at their fair market value at the time and place when and where the same were procured or manufactured, as the case may be, and of all charges thereon; and that the said invoice contains no discounts, bounties, or drawbacks, but such as have been actually allowed; which said oath shall have been duly administered and authenticated in the mode prescribed in the seventh section of this act.

§ 22. *And be it further enacted*, That, for every verification and certificate, made under this act, before a consul or commercial agent of the United States, such consul or commercial agent shall be entitled to demand and receive, from the person making the same, a fee of two dollars: *Provided*, Each shipper shall have the right to include all articles shipped by him in the same invoice.

CHAP. 128. An act to regulate the collection of duties on imports and tonnage. March 2, 1799.

§ 81. *Be it enacted, &c.* That all bonds which may be given for any goods, wares, or merchandize, exported from the United States, and on which any drawback of duties or allowance shall be payable, in virtue of such exportation, shall, and may be discharged, and not otherwise, by producing, within one year from the date thereof, if the exportation be made to any port of Europe or America, or within two years, if made to any part of Asia or Africa, a certificate, under the hand of the consignee at the foreign port or place to whom the said goods, wares, and merchandize, shall have been addressed, therein particularly setting forth and describing the articles so exported, their marks, numbers, description of packages, the number thereof, and their actual contents, and declaring that the same have been received by them, from on board the vessel, specifying the names of the master and vessel from which they were so received; and where such goods, wares, or merchandize, are not consigned or addressed to any particular person at the foreign port or place to which the ship or vessel is destined, or may arrive, but where the master, or other person on board such ship or vessel may be the consignee of such goods, wares, or merchandize, a certificate from the person or persons to whom such goods, wares, and merchandize, may be sold or delivered, by such master, or other person, shall be produced to the same effect as that required, if the person or persons receiving the same were originally intended to be the consignee or consignees thereof. And, in addition to the certificate aforesaid, it shall be necessary to produce a certificate under the hand and seal of the consul or agent of the United States, residing at the said place, declaring, either that the facts stated in the certificate of such consignee, or other person aforesaid, are, to his knowledge, true, or that such certificate is deserving of full faith and credit; which certificates of the consignee, or other person, and consul or agent, shall, in all cases, as respects the landing or delivery of the said goods, wares, or merchandize, be confirmed by the oath or affirmation of the master and mate, if living, or in case of their death, by the oath or affirmation of the two principal surviving officers of the ship or vessel in which the exportation shall be made; and in all cases where there shall be no consul or agent of the United States residing at the said place of delivery, the certificate of the consignee, or other person hereinbefore required, shall be confirmed

by the certificate of two reputable American merchants, residing at the said place, or if there are no such American merchants, then by the certificate of two reputable foreign merchants, testifying that the several facts stated in such consignee, or other person's certificate, are, to their knowledge, just and true, or that such certificate is, in their opinion, worthy of full faith and credit; which certificate shall also be supported by the oath or affirmation of the master and mate, or other principal officers of the vessel, in manner as before prescribed: which oath or affirmation of the said master and mate, or other principal officers, shall, in all cases, when taken at a foreign port or place, be taken and subscribed before the consul or agent of the United States, residing at such foreign port or place, if any such consul or agent reside thereat. And in cases of loss by sea, or by capture, or other unavoidable accident; or when, from the nature of the trade, the proofs and certificates before required are not, and cannot be, procured, the exporter or exporters shall be allowed to adduce, to the collector of the port of exportation, such other proofs as they may have, and as the nature of the case will admit; which proofs shall, with a statement of all the circumstances attending the transaction, within the knowledge of such collector, be transmitted to the comptroller of the treasury, who shall have power to allow a further reasonable time for obtaining the proofs aforesaid; or, if he be satisfied with the truth and validity of the proofs adduced, to direct the bond or bonds of such exporter or exporters to be cancelled: *Provided*, That if the amount of such bond shall not exceed the penal sum of two hundred dollars, the collector, with the naval officer, where there is one, and alone, where there is none, may, pursuant to such rules as shall be prescribed by the comptroller of the treasury, admit such proof as may be adduced, and, if they deem the same satisfactory, cancel such bond accordingly. And it shall be lawful for the consuls or agents of the United States, residing at the foreign ports, to demand twenty five cents for administering each oath or affirmation aforesaid, and one dollar for granting each certificate as aforesaid; and if any consul or agent shall demand other or greater fees, than are allowed as aforesaid, his bond shall be forfeited.*

* For forms prescribed by this law, see Appendix II., forms D, E, F, and G.

CHAP. [65.] An Act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes, 3d March, 1825.

§ 4. *Be it enacted, &c*, That, if any person or persons, upon the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay, within the admiralty and maritime jurisdiction of the United States, and out of the jurisdiction of any particular state, shall commit the crime of wilful murder, or rape, or shall, wilfully and maliciously, strike, stab, wound, poison, or shoot at, any other person, of which striking, stabbing, wounding, poisoning, or shooting such person shall afterwards die, upon land, within or without the United States, every person so offending his or her counsellors, aiders or abettors, shall be deemed guilty of felony, and shall, upon conviction thereof, suffer death.

§ 5. *And be it further enacted*, That if any offence shall be committed on board of any ship or vessel, belonging to any citizen or citizens of the United States, while lying in a port or place within the jurisdiction of any foreign state or sovereign, by any person belonging to the company of said ship, or any passenger, on any other person belonging to the company of said ship, or any other passenger, the same offence shall be cognizable and punishable by the proper circuit court of the United States, in the same way and manner, and under the same circumstances, as if said offence had been committed on board of such ship or vessel on the high seas, and without the jurisdiction of such foreign sovereign or state: *Provided, always*. That if such offender shall be tried for such offence, and acquitted or convicted thereof, in any competent court of such foreign state or sovereign, he shall not be subject to another trial in any court of the United States.

§ 6. *And be it further enacted*, That, if any person or persons, upon the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay, within the admiralty and maritime jurisdiction of the United States, and out of the jurisdiction of any particular state, shall, by surprise or by open force or violence, maliciously attack, or set upon, any ship or vessel belonging in whole or part to the United States, or to any citizen or citizens thereof, or to any other person whatsoever, with an intent unlawfully to plunder the same ship or vessel, or to despoil any owner or owners thereof of any moneys, goods, or merchandize, laden on board thereof, every person so offending, his or her counsellors, aiders, or abettors, shall be deemed guilty of felony;

and shall, on conviction thereof, be punished by fine, not exceeding five thousand dollars, and by imprisonment and confinement to hard labor, not exceeding ten years, according to the aggravation of the offence.

§ 7. *And be it further enacted*, That, if any person or persons upon the high seas, or in any other of the places aforesaid, with intent to kill, rob, steal, commit a rape, or to do or perpetrate any other felony, shall break or enter any ship or vessel, boat or raft; or if any person or persons shall, wilfully and maliciously, cut, spoil, or destroy, any cordage, cable, buoys, buoy-rope, headfast, or other fast, fixed to any anchor or moorings, belonging to any ship, vessel, boat, or raft; every person, so offending, his or her counsellors, aiders and abettors, shall be deemed guilty of felony, and shall, on conviction thereof, be punished by fine, not exceeding one thousand dollars, and by imprisonment and confinement to hard labor, not exceeding five years, according to the aggravation of the offence.

§ 8. *And be it further enacted*, That, if any person or persons upon the high seas, or in any of the places aforesaid, shall buy, receive, or conceal, or aid in concealing any money, goods, bank notes, or other effects or things which may be the subject of larceny, which have been feloniously taken or stolen, from any other person, knowing the same to have been taken or stolen, every person so offending shall be deemed guilty of a misdemeanor, and may be prosecuted therefor, although the principal offender chargeable, or charged with the larceny, shall not have been prosecuted or convicted thereof; and shall on conviction thereof, be punished by fine, not exceeding one thousand dollars, and imprisonment and confinement to hard labor, not exceeding three years, according to the aggravation of the offence.

§ 9. *And be it further enacted*, That, if any person or persons shall plunder, steal, or destroy, any money, goods, merchandize, or other effects, from or belonging to any ship or vessel, or boat, or raft, which shall be in distress, or which shall be wrecked, lost, stranded, or cast away, upon the sea, or upon any reef, shoal, bank, or rocks, of the sea, or in any other place within the admiralty and maritime jurisdiction of the United States, or if any person or persons shall wilfully obstruct the escape of any person endeavoring to save his or her life from such ship, or vessel, boat, or raft, or the wreck thereof, or, if any person or persons shall hold out or show any false light, or lights, or extinguish any true light, with intention to bring any ship or vessel, boat or raft, being

or sailing upon the sea, into danger, or distress, or shipwreck; every person, so offending, his or her counsellors, aiders, and abettors, shall be deemed guilty of felony, and shall, on conviction thereof, be punished by fine, not exceeding five thousand dollars, and imprisonment and confinement to hard labor, not exceeding ten years, according to the aggravation of the offence.

§ 10. *And be it further enacted*, That, if any master or commander of any ship or vessel, belonging, in whole, or in part, to any citizen or citizens of the United States, shall, during his being abroad, maliciously, and without justifiable cause, force any officer, or mariner of such ship or vessel, on shore, and leave him behind, in any foreign port or place, or refuse to bring home again, all such of the officers and mariners of such ship or vessel, whom he carried out with him, as are in a condition to return, and willing to return, when he shall be ready to proceed in his homeward voyage, every master or commander, so offending, shall, on conviction thereof, be punished by fine, not exceeding five hundred dollars, or by imprisonment, not exceeding six months, according to the aggravation of the offence.

§ 11. *And be it further enacted*, That, if any person or persons shall, wilfully and maliciously, set on fire, or burn, or otherwise destroy or cause to be set on fire, or burnt, or otherwise destroyed, or aid, procure, abet, or assist in setting on fire, or burning or otherwise destroying, any ship or vessel of war of the United States, afloat on the high seas, or in any arm of the sea, or in any river, haven, creek, basin or bay within the admiralty jurisdiction of the United States, and out of the jurisdiction of any particular state, every person so offending shall be deemed guilty of felony, and shall, on conviction thereof, suffer death: *Provided*, That nothing herein contained shall be construed to take away or impair the right of any court martial to punish any offence, which, by the law of the United States, may be punishable by such court.

§ 12. *And be it further enacted*, That, if any officer of the United States shall be guilty of extortion, under, or by color of his office, every person so offending shall, on conviction thereof, be punished by fine, not exceeding five hundred dollars, or by imprisonment, not exceeding one year, according to the aggravation of the offence.

§ 13. *And be it further enacted*, That, if any person, in any case, matter, hearing, or other proceeding, when an oath or affirmation shall be required to be taken or adminis-

tered under or by any law or laws of the United States, shall, upon the taking of such oath or affirmation, knowingly and willingly swear or affirm falsely, every person, so offending, shall be deemed guilty of perjury, and shall, on conviction thereof, be punished by fine, not exceeding two thousand dollars, and by imprisonment and confinement to hard labor, not exceeding five years, according to the aggravation of the offence. And if any person or persons shall knowingly or willingly procure any such perjury to be committed, every person so offending shall be deemed guilty of subornation of perjury, and shall on conviction thereof, be punished by fine, not exceeding two thousand dollars, and by imprisonment and confinement to hard labor, not exceeding five years, according to the aggravation of the offence.

§ 19. *And be it further enacted.* That, if any person or persons, shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any instrument in imitation of, or purporting to be, an abstract or official copy, or certificate of the recording, registry, or enrolment of any ship or vessel, in the office of any collector of the customs of the United States, or a license to any ship or vessel, for carrying on the coasting trade, or fishery or fisheries of the United States, or a certificate of ownership, pass, passport, sea letter, or clearance, granted for any ship or vessel, under the authority of the United States, or a permit, debenture, or other official document, granted by any collector or other officer of the customs, by virtue of his or their office; or shall falsely alter any abstract, official copy, or certificate of any recording, registering, or enrolling of any ship or vessel in the office of any collector of the customs of the United States, or any license to any ship or vessel for carrying on the coasting trade or fisheries of the United States, or any certificate of ownership, pass, passport, sea letter, or clearance granted for any ship or vessel under the authority of the United States, or any permit, debenture, or other official document granted by any collector, or other officer of the customs, by virtue of his or their office; or shall pass, utter, or publish, or attempt to pass, utter, or publish, as true, any such false, forged, or counterfeited instrument, or any such falsely altered abstract, official copy, certificate, license, pass, passport, sea letter, clearance, permit, debenture, or other official document as aforesaid, knowing the same to be false, forged, or counter-

feited, or falsely altered, with an intent to defraud the United States, or any other body politic or corporate, or person, whatsoever; every person, so offending, shall be deemed guilty of felony, and shall, on conviction thereof, be punished by fine, not exceeding one thousand dollars, and by imprisonment and confinement to hard labor, not exceeding three years.

§ 22. *And be it further enacted*, That, if any person or persons, upon the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay, within the admiralty jurisdiction of the United States, and out of the jurisdiction of any particular state, on board any vessel belonging in whole or in part to the United States, or any citizen or citizens thereof, shall, with a dangerous weapon, or with intent to kill, rob, steal, or to commit a mayhem, or rape, or to perpetrate any other felony, commit an assault on another, such person shall, on conviction thereof, be punished by fine, not exceeding three thousand dollars, and by imprisonment and confinement to hard labor, not exceeding three years, according to the aggravation of the offence.

§ 23. *And be it further enacted*, That, if any person or persons shall, on the high seas, or within the United States, wilfully and corruptly conspire, combine, and confederate, with any other person or persons, such other person or persons being either within or without the United States, to cast away, burn, or otherwise destroy any ship or vessel, or to procure the same to be done, with intent to injure any person, or body politic, that hath underwritten, or shall thereafterwards underwrite, any policy of insurance thereon, or on goods on board thereof, or with intent to injure any person, or body politic, that hath lent or advanced, or thereafter shall lend or advance, any money on such vessel, on bottomry or respondentia, or shall, within the United States, build or fit out, or aid in building or fitting out, any ship or vessel, with intent that the same shall be cast away, burnt, or destroyed, for the purpose or with the design aforesaid, every person, so offending, shall, on conviction thereof, be deemed guilty of felony, and shall be punished by fine, not exceeding ten thousand dollars, and by imprisonment and confinement to hard labor, not exceeding ten years.

CHAP. [40.] An act in amendment of the acts for the punishment of offences against the United States, 3d March, 1835.

§ 1. *Be it enacted, &c.*, That if any one or more of the crew of any American ship or vessel on the high seas, or on

any other waters within the admiralty and maritime jurisdiction of the United States, shall unlawfully, wilfully, and with force, or by fraud, threats, or other intimidations, usurp the command of such ship or vessel from the master or other lawful commanding officer thereof, or deprive him of his authority and command on board thereof, or resist or prevent him in the free and lawful exercise thereof, or transfer such authority and command to any other person not lawfully entitled thereto, every such person so offending, his aiders or abettors, shall be deemed guilty of a revolt or mutiny and felony, and shall, on conviction thereof, be punished by fine not exceeding two thousand dollars; and by imprisonment and confinement to hard labor not exceeding ten years, according to the nature and aggravation of the offence. And the offence of making a revolt in a ship, which now is, under and in virtue of the eighth section of the act of Congress, passed the thirtieth day of April, in the year of our Lord one thousand seven hundred and ninety, punishable as a capital offence, shall, from and after the passage of the present act, be no longer punishable as a capital offence, but shall be punished in the manner prescribed in the present act, and not otherwise.

§ 2. *And be it further enacted*, That if any one or more of the crew of any American ship or vessel on the high seas, or any other waters, within the admiralty and maritime jurisdiction of the United States, shall endeavor to make a revolt or mutiny on board such ship or vessel, or shall combine, conspire or confederate with any other person or persons on board to make such a revolt or mutiny, or shall solicit, incite or stir up any other or others of the crew to disobey or resist the lawful orders of the master, or other officer of such ship or vessel, or to refuse or neglect their proper duty on board thereof, or to betray their proper trust therein, or shall assemble with others in a tumultuous and mutinous manner, or make a riot on board thereof, or shall unlawfully confine the master, or other commanding officer thereof, every such person so offending shall, on conviction thereof, be punished by fine, not exceeding one thousand dollars, or by imprisonment not exceeding five years, or by both, according to the nature and aggravation of the offence.

§ 3. *And be it further enacted*, That if any master or other officer of any American ship or vessel on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, shall from malice, hatred or revenge, and without justifiable cause, beat, wound, or in

prison, any one or more of the crew of such ship or vessel, or withhold from them suitable food and nourishment, or inflict upon them any cruel and unusual punishment, every such person so offending shall, on conviction thereof, be punished by fine, not exceeding one thousand dollars, or by imprisonment not exceeding five years, or by both, according to the nature and aggravation of the offence.

CHAP. [33] An act to prescribe the punishments of consuls, commercial agents, and others, in certain cases, 3d March, 1835.

Be it enacted, &c., That if any consul, vice consul, commercial agent, or vice commercial agent, shall knowingly and falsely certify to any invoice, or other papers, to which his certificate is by law authorized or required, he shall, on conviction thereof, in any court of competent jurisdiction, forfeit and pay a fine not exceeding ten thousand dollars, at the discretion of the court, and be imprisoned for a term not exceeding three years, at the like discretion.

CHAP. [23] An act in addition to the several acts regulating the shipment and discharge of seamen, and the duties of consuls, 20th July, 1840.

§ 1. *Be it enacted, &c.*, as follows: 1. The duplicate list of the crew of any vessel bound on a foreign voyage, made out pursuant to the act of February twenty-eighth, eighteen hundred and three, shall be a fair copy in one uniform handwriting, without erasure or interlineation.

2. It shall be the duty of the owners of every such vessel to obtain from the collector of the customs of the district from which the clearance is made, a true and certified copy of the shipping articles, containing the names of the crew, which shall be written in a uniform hand, without erasures or interlineations.

3. These documents which shall be deemed to contain all the conditions of contract with the crew as to their service, pay, voyage, and all other things, shall be produced by the master, and laid before any consul, or other commercial agent of the United States, whenever he may deem their contents necessary to enable him to discharge the duties imposed upon him by law toward any mariner applying to him for his aid or assistance.

4. All interlineations, erasures, or writing in a hand different from that in which such duplicates were originally

made, shall be deemed fraudulent alterations, working no change in such papers, unless satisfactorily explained in a manner consistent with innocent purposes and the provisions of law which guard the rights of mariners.

5. Any consul of the United States, and in case there is, none resident at a foreign port, or he is unable to discharge his duties, then any commercial agent of the United States authorized to perform such duties, may, upon the application of both the master and any mariner of the vessel under his command, discharge such mariner, if he thinks it expedient, without requiring the payment of three months' wages, under the provisions of the act of the twenty-eighth of February, eighteen hundred and three, or any other sum of money.

6. Any consul, or other commercial agent, may also, on such joint application, discharge any mariner on such terms as will, in his judgment save the United States from the liability to support such mariner, if the master gives his voluntary assent to such terms, and conforms thereto.

7. When a mariner is so discharged, the officer discharging him shall make an official entry thereof upon the list of the crew and the shipping articles.

8. Whenever any master shall ship a mariner in a foreign port, he shall forthwith take the list of his crew and the duplicate of the shipping articles to the consul, or person who discharges the duties of the office at that port, who shall make the proper entries thereon, setting forth the contract, and describing the person of the mariner; and thereupon the bond originally given for the return of the men shall embrace each person so shipped.

9. When any mariner shall complain that the voyage is continued contrary to his agreement, or that he has fulfilled his contract, the consul, or other commercial agent performing like duties, may examine into the same by an inspection of the articles of agreement; and if on the face of them he finds the complaint to be well founded, he shall discharge the mariner, if he desires it, and require of the master an advance, beyond the lawful claims of such mariner, of three months' wages, as provided in the act of February twenty-eighth, eighteen hundred and three; and in case the lawful claims of such mariner are paid upon his discharge, the arrears shall from that time bear an interest of twenty per centum: *Provided, however*, if the consul, or other commercial agent, shall be satisfied the contract has expired, or the voyage been protracted by circumstances beyond the control of the master, and without any design on his part to

violate the articles of shipment, then he may, if he deems it just, discharge the mariner with exacting the three months' pay.

10. All shipments of seamen, made contrary to the provisions of this and other acts of congress, shall be void; and any seamen so shipped may leave the service at any time, and demand the highest rate of wages paid to any seaman shipped for the voyage, or the sum agreed to be given him at his shipment.

11. It shall be the duty of consuls and commercial agents to reclaim deserters and discountenance insubordination by every means within their power; and where the local authorities can be usefully employed for that purpose, to lend their aid and use their exertions to that end in the most effectual manner.

12. If the first officer, or any officer, and a majority of the crew of any vessel shall make complaint in writing that she is in an unsuitable condition to go to sea, because she is leaky, or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores, and supplies are not, or have not been, during the voyage, sufficient and wholesome, thereupon, in any of these or like cases, the consul or commercial agent who may discharge any duties of a consul shall appoint two disinterested, competent, practical men, acquainted with maritime affairs, to examine into the causes of complaint, who shall in their report state what defects and deficiencies, if any, they find to be well founded, as well as what, in their judgment, ought to be done to put the vessel in order for the continuance of her voyage.

13. The inspectors so appointed shall have full power to examine the vessel and whatever is aboard of her, as far as is pertinent to their inquiry, and also to hear and receive any other proofs which the ends of justice may require, and if, upon a view of the whole proceedings, the consul, or other commercial agent, shall be satisfied therewith, he may approve the whole or any part of the report, and shall certify such approval, and if he dissents, shall also certify his reasons for so dissenting.

14. The inspectors in their report shall also state whether, in their opinion, the vessel was sent to sea unsuitably provided in any important or essential particular, by neglect or design, or through mistake or accident, and in case it was by neglect or design, and the consul or other commercial agent approves of such finding, he shall discharge such of the

crew as require it, each of whom shall be entitled to three months' pay in addition to his wages to the time of discharge; but, if in the opinion of the inspectors the defects or deficiencies found to exist have been the result of mistake or accident, and could not, in the exercise of ordinary care, have been known and provided against before the sailing of the vessel, and the master shall, in a reasonable time, remove or remedy the causes of complaint, then the crew shall remain and discharge their duty; otherwise they shall, upon their request, be discharged, and receive each one month's wages in addition to the pay up to the time of discharge.

15. The master shall pay all such reasonable charges in the premises as shall be officially certified to him under the hand of the consul or other commercial agent, but in case the inspectors report that the complaint is without any good and sufficient cause, the master may retain from the wages of the complainants, in proportion to the pay of each, the amount of such charges, with such reasonable damages for detention on that account as the consul or other commercial agent directing the inquiry may officially certify.

16. The crew of any vessel shall have the fullest liberty to lay their complaints before the consul or commercial agent in any foreign port, and shall in no respect be restrained or hindered therein by the master or any officer, unless some sufficient and valid objection exist against their landing; in which case, if any mariner desire to see the consul or commercial agent, it shall be the duty of the master to acquaint him with it forthwith; stating the reason why the mariner is not permitted to land, and that he is desired to come on board; whereupon it shall be the duty of such consul or commercial agent to repair on board and inquire into the causes of the complaint, and proceed thereon as this act directs.

17. In all cases where deserters are apprehended, the consul or commercial agent shall inquire into the facts; and, if satisfied that the desertion was caused by unusual or cruel treatment, the mariner shall be discharged, and receive, in addition to his wages to the time of the discharge, three months' pay; and the officer discharging him shall enter upon the crew-list and shipping articles the cause of discharge, and the particulars in which the cruelty or unusual treatment consisted, and subscribe his name thereto officially.

18. If any consul or commercial agent shall neglect or omit to perform, seasonably, the duties, hereby imposed upon him, or shall be guilty of any malversation or abuse of

power, he shall be liable to any injured person for all damage occasioned thereby: and for all malversation and corrupt conduct in office, he shall be liable to indictment, and, on conviction by any court of competent jurisdiction, shall be fined not less than one nor more than ten thousand dollars, and be imprisoned not less than one nor more than five years.

19. If any master of a vessel shall proceed on a foreign voyage without the documents herein required, or refuse to produce them when required, or to perform the duties imposed by this act, or shall violate the provisions thereof, he shall be liable to each and every individual injured thereby, in damages, and shall, in addition thereto, be liable to pay a fine of one hundred dollars for each and every offence, to be recovered by any person suing therefor in any court of the United States in the district where such delinquent may reside or be found.

20. It shall be the duty of the boarding officer to report all violations of this act to the collector of the port where any vessel may arrive, and the collector shall report the same to the secretary of the treasury and to the attorney of the United States in his district.

21. This act shall be in force from and after the first day of October next; and shall not apply to vessels which shall have sailed from ports of the United States before that time.

CHAP. 61. An act for authenticating certain records. 22d February, 1849.

§ 1. *Be it enacted, &c.* That it may and shall be lawful for the keepers or persons having the custody of laws, judgments, orders, decrees, journals, correspondence, or other public documents, of any foreign government or its agents, relating to the title to lands claimed by or under the United States, on the application of the head of any one of the departments, the Solicitor of the Treasury, or the Commissioner of the General Land Office, to authenticate the same under his hand and seal, and certify the same to be correct and true copies of such laws, judgments, orders, decrees, journals, correspondence, or other public documents: and when the same shall be certified by such minister, consul, or judge, mentioned in the first section of this act, under his seal of office, to be true copies of the originals, shall be sealed up by him and returned to the the Treasury, who shall file the same in his office *it to be recorded in a book to be kept for that p*

copy of said laws, judgments, orders, decrees, journals, correspondence, or other public documents, so filed, or of the same so recorded in said book, may be read in evidence in all courts where the title to land, claimed by or under the United States, may come into question equally with the original thereof.

§ 2. *And be it further enacted*, That the Solicitor of the Treasury shall cause a seal to be made and provided for his office, with such device as the President of the United States shall approve, and copies of any public documents, records, books, or papers, belonging to, or on the files of the said office, under the signature of the said Solicitor, or, when the office shall be vacant, under the signature of such officer as may be officiating for the time being, accompanied by an impress of the said seal, shall be competent evidence in all cases equally with the original records, documents, books, or papers.

§ 3. *And be it further enacted*, That all books, papers, documents, and records in the War, Navy, Treasury, and Post Office Departments, and the Attorney General's office, may be copied and certified under seal in the same manner as those in the State Department may now by law be, and with the same force and effect, and the said Attorney General shall cause a seal to be made and provided for his office, with such device as the President of the United States shall approve.

CHAP. 150. An act to carry into effect certain provisions in the treaties between the United States and China and the Ottoman Porte, giving certain judicial powers to ministers and consuls of the United States in those countries. August 11, 1848.

PARTLY IN ABSTRACT AND PARTLY ENTIRE.

§§ 1, 2, 3 and 4, authorize and empower the minister or commissioner of the United States resident in China, and the United States consuls resident at the five ports mentioned in the Chinese treaty, to hold courts for the trial and decision of "all questions in regard to rights, whether of persons or property, arising between citizens of the United States in China, and for the trial and punishment of all citizens of the United States who may commit any crime in China." Said courts and trials to be conducted according to the statutes of the United States, or, if insufficient, by the common law.

§ 5. Decrees that the Commissioner, with the advice of several consuls for the five ports named in the treaty, or any of them as can be conveniently assembled, shall

prescribe the forms of all processes to be issued by any of said consuls; the mode of executing and the time of returning the same; the manner in which trials shall be conducted, and the records thereof kept; the form of oaths for Christian witnesses, and the mode of examining all other witnesses; the costs to be allowed to the prevailing party, and the fees to be paid for judicial services to defray necessary expenses; the manner in which all officers, to execute process and to carry this act into effect, shall be appointed and compensated; the form of bail bonds, and the security which shall be required of the party who appeals from the decision of a consul; and generally, without further enumeration, to make all such decrees and regulations from time to time, under the provisions of this act, as the exigency may demand; and all such regulations, decrees, and orders shall be plainly drawn up in writing, and submitted, as above provided, for the advice of the consuls, or as many of them as can be consulted without prejudicial delay or inconvenience, who shall each signify his assent or dissent in writing, with his name subscribed thereto; and after taking such advice, and considering the same, the commissioner may, nevertheless, by causing the decree, order, or regulation to be published with his signature thereto, and the opinions of his advisers inscribed thereon, to become binding and obligatory until annulled or modified by Congress, and it shall take effect from the publication or any subsequent day thereto named in the act.

§ 6. *And be it further enacted*, That all such regulations, orders, and decrees shall, as speedily as may be after publication, be transmitted by the commissioner, with the opinions of his advisers, as drawn up by them severally, to the President, to be laid before Congress for revision.

§ 7. Declares each of the aforesaid consuls competent at the port for which he is appointed upon facts within his knowledge or belief, or upon complaint made, or information filed in writing and authenticated in the manner prescribed by the Commissioner, to issue his warrant for the arrest of any United States citizen charged with an offence in China against law, to arraign and try the same; and, upon conviction, to sentence and mete out punishment, in the manner prescribed, and in proportion to the offence, either by fine or imprisonment, except wherein it may be otherwise provided.

§§ 8 and 9. Empowers any consul of the United States at either of the five open ports, to award punishment by im-

prisonment not exceeding three months, or a fine of \$500. If the fine does not exceed \$100, or the imprisonment does not exceed 60 days, the decision of the consul is to be final; but if the fine exceed \$100, or the term of imprisonment exceed 90 days, appeal may be taken to the minister or commissioner.

§ 10. Signifies that whenever, in any case, a consul may think assistance will be useful to him, or that any penalty specified above, would be inadequate, he may summon from one to four reputable and competent citizens of the United States, and, in capital cases, not less than four, to sit with him in the trial, as advisers, each of whom shall enter upon the record his judgment or opinion and sign the same; but the consul only shall decide the case, and, except in capital offences, if with the concurrence of his advisers, finally. In case of dissent of one or more of them from the views of the consul or vice-consuls, such dissent, with the ground, therefore, shall be entered on the minutes of the proceedings, and the whole matter be reviewed by the minister or commissioner, who shall confirm, mitigate or remit the punishment.

§ 11. Declares that each of the consuls in China shall have jurisdiction, in civil cases, under the provisions of the treaty, wherein the damage demanded does not exceed \$500, and if he sees fit to decide the same without aid, his decision thereon shall be final; but if in his judgment any case involves legal perplexities, and assistance will be useful, or if the damage demanded exceeds five hundred dollars, in either such case it shall be his duty to summon to his aid not less than two nor more than three citizens of the United States, of good repute and competent to the duty, who shall with him hear any such case; and if the consul and his associates concur in opinion, the judgment shall be final; but if the associates, or any of them, differ from the consul, the opinions of all shall be noted on the record, and each shall subscribe his name to his assent to, or dissent from, the consul, with such reasons therefor as he thinks proper to assign, and either party may thereupon appeal, under such regulations as may exist, to the commissioner; but if no appeal is lawfully claimed, the decision of the consul shall be final and conclusive.

§ 12. *And be it further enacted*, That, in all cases, criminal and civil, the evidence shall be taken down in writing in open court, under such regulations as may be made for that purpose; and all objections to the competency or character

of testimony shall be noted down, with the ruling in all such cases, and the evidence shall be part of the case.

§ 13. *And be it further enacted*, That the commissioner of the United States shall, in addition to his power to make regulations and decrees, as is herein provided, be fully authorized to hear and decide all cases, criminal and civil, which may come before him under the provisions of this act, and to issue all processes necessary to execute the power conferred upon him; and he is hereby fully empowered to decide finally any case upon the evidence which comes up with it, or to hear the parties further, if he thinks justice will be promoted thereby: and he may also prescribe the rules upon which new trials may be granted, either by the consuls or by himself, if asked for upon justifiable grounds.

§ 14. *And be it further enacted*, That in all cases, except as is herein otherwise provided, the punishment of crime provided for by this act shall be by fine or imprisonment, or both, at the discretion of the functionary who decides the case, but subject to the regulations herein contained, and such as may hereafter be made. It shall, however, be the duty of each and every functionary to allot punishment according to the magnitude and aggravation of the offence, and all who refuse or neglect to comply with the sentence passed upon them shall stand committed until they do comply, or are discharged by order of the consul, with the consent of the commissioner.

§ 15. *And be it further enacted*, That murder and insurrection, or rebellion against the Chinese government, with intent to subvert the same, shall be capital offences, punishable with death; but no person shall be convicted of either of said crimes unless the consul and his associates in the trial all concur in opinion, and the commissioner also approves of the conviction; but it shall always be lawful to convict one put upon trial for either of these crimes of a lesser offence, of a similar character, if the evidence justifies it; and when so convicted, to punish as for other offences, by fine or imprisonment, or both.

§ 16. *And be it further enacted*, That whenever any one shall be convicted of either of the crimes punishable with death, as aforesaid, it shall be the duty of the commissioner to issue his warrant for the execution of such convict, appointing the time, place, and manner; but if the said commissioner shall be satisfied that the ends of public justice demand it, he may, from time to time, postpone such execution; and if he finds mitigatory circumstances which may

authorize it, may submit the case to the President of the United States for pardon.

§ 17. *And be it further enacted*, That it shall be the duty of the commissioner to establish a tariff of fees for judicial services, which shall be paid by such parties, and to such persons, as said commissioner shall direct; and the proceeds shall, as far as is necessary, be applied to defray the expenses incident to the execution of this act; and regular accounts, both of receipts and expenditures, shall be kept and laid before Congress by the commissioner annually.

§ 18. *And be it further enacted*, That, in consideration of the duties herein imposed upon the commissioner, there shall be paid to him, out of the treasury of the United States, annually the sum of one thousand dollars in addition to his salary; and there shall also be paid, annually, to each of said consuls, for a like reason, the sum of one thousand dollars in addition to consular fees.

§ 19. *And be it further enacted*, That, in all criminal cases which are not of a heinous character, it shall be lawful for the parties aggrieved or concerned therein, with the assent of the commissioner or consul, to adjust and settle the same among themselves, upon pecuniary or other considerations.

§ 20. *And be it further enacted*, That it shall be the duty also of the commissioner and the consuls to encourage the settlement of controversies of a civil character by mutual agreement, or to submit them to the decision of referees agreed upon by the parties, a majority of whom shall have power to decide the matter. And it shall be the duty of the commissioner to prepare a form of submission for such cases, to be signed by the parties and acknowledged before the consul; and when parties have so agreed to refer, the referees may, after suitable notice of the time and place of meeting for trial, proceed ex parte, in case either party refuses or neglects to appear; and, after hearing any case, may deliver their award sealed to the consul, who, in court, shall open the same; and if he accepts it, he shall endorse the fact, and judgment shall be rendered thereon, and execution issue in compliance with the terms thereof: *Provided, however*, That the parties may always settle the same before return thereof is made to the consul.

§ 21. *And be it further enacted*, That the commissioner and the consuls shall be fully authorized to call upon the Chinese authorities to sustain and support them in the execution of the powers confided to them by said treaty, and on their part to do and perform whatever is necessary to car-

ry the provisions of said treaty into full effect, so far as they are to be executed in China.

§ 22. *And be it further enacted*, That the provisions of this act, so far as the same relate to crimes committed by citizens of the United States, shall extend to Turkey, under the treaty with the Sublime Porte of May seventh, eighteen hundred and thirty, and shall be executed in the dominions of the Sublime Porte, in conformity with the provisions of said treaty, by the minister of the United States, and the consuls appointed by the United States to reside therein, who are hereby *ex officio* vested with the powers herein contained, for the purposes above expressed, so far as regards the punishment of crime.

§ 24. *And be it further enacted*, That all such officers shall be responsible for their conduct to the United States and to the laws thereof, not only as diplomatic functionaries and commercial functionaries, but as judicial officers when they perform judicial duties, and shall be held liable for all negligences and misconduct as public officers.

CHAP. 105. An Act more effectually to provide for the enforcement of certain provisions in the treaties of the United States. August 8th, 1846.

Decrees that, whereas, in the treaty between the United States and Prussia, (as also in treaties with other powers,) it is provided that "the consuls, vice-consuls, and commercial agents [of said powers in the United States,] shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or the captain should disturb the order or tranquility of the country, or the said consuls or agents should require their assistance to cause their decisions to be carried into effect or supported."

(ABSTRACT.)

It is enacted and decreed that the district and circuit courts of the United States, and the commissioners at any time appointed by the circuit courts of the United States to take acknowledgments of bail and affidavits, and to take depositions of witnesses in civil causes, and to exercise the powers of any justice of peace in respect to offenders for any crime or offence against the United States, shall have power and jurisdiction, upon the application or petition of

the said consuls or agents, requiring assistance to carry into effect the award, arbitration or decree of any such consul or agent, according to the true intent of such award, arbitration or decree, and for this purpose shall have full authority to issue all proper remedial process, mesne and final, to carry into full effect any such award, &c., and to enforce obedience thereto, by imprisonment in the jail or any other place which the United States may use as a prison in the district, until such award, arbitration, or decree be complied with, or the parties be otherwise discharged, by consent, in writing, of such consuls or agents, or their successors, or by authority of the foreign government which appointed them: *Provided*, That the expenses of said imprisonment, if any, and the maintenance of the prisoners, and the costs of the proceedings, be borne by such foreign governments, or their consular agents requiring such aid or imprisonment. And the marshals of the United States and their deputies have full authority and are bound to serve all such process, and do all other acts necessary and proper to carry into full effect the premises under the authority of the said courts or commissioners.

TREATIES GRANTING SPECIAL POWERS TO UNITED STATES CONSULS.

Treaty of peace and friendship between the United States of America, and the kingdom of Tunis, made Aug. 1797, and amended and renewed in 1824.

Art. 1. There shall be a perpetual and constant peace between the United States of America, and the magnificent pacha, bey of Tunis; and also, a permanent friendship, which shall more and more increase.

Art. 2. If a vessel of war of the two nations shall make prize of an enemy vessel, in which may be found effects, property, and subjects of the two contracting parties, the whole shall be restored. The bey shall restore the property and subjects of the United States, and the latter shall make a reciprocal restoration; it being understood on both sides, that the just right to what is claimed shall be proved.

Art. 3. Merchandise belonging to any nation which may be at war with one of the contracting parties, and loaded on board of the vessel of the other shall pass without molestation, and without any attempt being made to capture or detain it.

Art. 4. On both sides sufficient passports shall be given to vessels, that they may be known and treated as friendly; and, considering the distance between the two countries, a term of eighteen months is given, within which term respect shall be paid to the said passports, without requiring the congé or document, (which at Tunis is called testa,) but after the said term the congé shall be presented.

Art. 5. If the corsairs of Tunis shall meet at sea with ships of war of the United States, having under their escort merchant vessels of their nation, they shall not be searched or molested; and in such case the commanders shall be believed upon their word, to exempt their ships from being visited, and to avoid quarantine. The American ships of war shall act in like manner toward merchant vessels escorted by the corsairs of Tunis.

Art. 6. If a Tunisian corsair shall meet with an American

vessel, and shall visit it with her boat, two men only shall be allowed to go on board, peaceably, to satisfy themselves of its being American, who, as well as any passengers of other nations they may have on board, shall go free, both them and their goods; and the said two men shall not exact any thing, on pain of being severely punished. In case a slave escapes, and takes refuge on board an American vessel of war, he shall be free, and no demand shall be made either for his restoration or for payment.*

Art. 7. An American citizen having purchased a prize vessel from our Odgiak, may sail with our passport, which we will deliver for the term of one year; by force of which our corsairs which may meet with her shall respect her; the consul, on his part, shall furnish her with a bill of sale; and, considering the distance of the two countries, this term shall suffice to obtain a passport in form. But after the expiration of this term, if our corsairs shall meet with her without the passport of the United States, she shall be stopped and declared good prize, as well the vessel as the cargo and crew.

Art. 8. If a vessel of one of the contracting parties shall be obliged to enter into a port of the other, and may have need of provisions and other articles, they shall be granted to her without any difficulty, at the price current at the place; and if such a vessel shall have suffered at sea, and shall have need of repairs, she shall be at liberty to unload, and reload her cargo without being obliged to pay any duty; and the captain shall only be obliged to pay the wages of those whom he shall have employed in loading and unloading the merchandize.

Art. 9. If, by accident, and by the permission of God, a vessel of one of the contracting parties shall be cast by tempest upon the coasts of the other, and shall be wrecked, or otherwise damaged, the commandant of the place shall render all possible assistance for its preservation, without allowing any person to make any opposition; and the proprietor of the effects shall pay the cost of salvage to those who may have been employed.

Art. 10. In case a vessel of one of the contracting parties shall be attacked by an enemy under the cannon of the forts of the other party, she shall be defended and protected as much as possible; and when she shall set sail, no enemy shall be permitted to pursue her from the same port,

*As amended by Act of February 24, 1824.

or any other neighboring port, for forty-eight hours after her departure.

Art. 11. When a vessel of war of the United States shall enter the port of the Gouletta, she shall be saluted with twenty-one guns, which salute the vessel of war shall return gun for gun only, and no powder will be given, as mentioned in the ancient eleventh article of this treaty, which is hereby annulled.*

Art. 12. When the citizens of the United States shall come within the dependencies of Tunis to carry on commerce there, the same respect shall be paid to them which the merchants of other nations enjoy; and if they wish to establish themselves within our ports, no opposition shall be made thereto, and they shall be free to avail themselves of such interpretations as they may judge necessary, without any obstruction, in conformity with the usages of other nations; and if a Tunisian subject shall go to establish himself within the dependencies of the United States, he shall be treated in like manner. If any Tunisian subject shall freight an American vessel, and load her with merchandize, and shall afterwards want to unload, or ship them on board of another vessel, we shall not permit him until the matter is determined by a reference of merchants, who shall decide upon the case, and, after the decision, the determination shall be conformed to.

No captain shall be detained in port against his consent, except when our ports are shut for the vessels of all other nations, which may take place with respect to merchant vessels, but not to those of war.

The subjects and citizens of the two nations, respectively, Tunisians and Americans, shall be protected in the places where they may be by the officers of the government there existing; but, on failure of such protection, and for redress of every injury, the party may resort to the chief authority in each country, by whom adequate protection and complete justice shall be rendered. In case the government of Tunis shall have need of an American vessel for its service, such vessel being within the regency, and not previously engaged, the government shall have the preference, on its paying the same freight as other merchants usually pay for the same service, or at the like rate, if the service be without a customary precedent.*

Art. 13. If among the crews of merchant vessels of the United States, there shall be found subjects of our enemies,

*As amended by Act of February 24, 1824.

they shall not be made slaves, on condition that they do not exceed a third of the crew; and when they do exceed a third, they shall be made slaves; the present article only concerns the sailors, and not the passengers, who shall not be in any manner molested.

Art. 14. All vessels belonging to the citizens and inhabitants of the United States shall be permitted to enter the ports of the kingdom of Tunis, and freely trade with the subjects and inhabitants thereof, on paying the usual duties which are paid by other most favored nations at peace with the regency. In like manner, all vessels belonging to the subjects and inhabitants of the kingdom of Tunis shall be permitted to enter the different ports of the United States, and freely trade with the citizens and inhabitants thereof, on paying the usual duties which are paid by other most favored nations at peace with the United States.*

Art. 15. It shall be free for the citizens of the United States to carry on what commerce they please in the kingdom of Tunis, without any opposition, and they shall be treated like the merchants of other nations; but they shall not carry on commerce in wine, nor in prohibited articles; and if any one shall be detected in a contraband trade, he shall be punished according to the laws of the country. The commandants of ports and castles shall take care that the captains and sailors shall not load prohibited articles; but if this should happen, those who shall not have contributed to the smuggling shall not be molested nor searched, no more than shall the vessel and cargo; but only the offender, who shall be demanded to be punished. No captain shall be obliged to receive merchandize on board of his vessel, nor to unlade the same against his will, until the freight shall be paid.

Art. 16. The merchant vessels of the United States, which shall cast anchor in the road of the Gouletta, or any other port of the kingdom of Tunis, shall be obliged to pay the same anchorage, for entry and departure, which French vessels pay, to wit; seventeen piasters and a half, money of Tunis, for entry, if they import merchandize; and the same for departure, if they take away a cargo; but they shall not be obliged to pay anchorage if they arrive in ballast, and depart in the same manner.

Art. 17. Each of the contracting parties shall be at liberty to establish a consul in the dependencies of the other; and if such consul does not act in conformity with the usa-

*As amended by Act of February 24, 1824.

ges of the country, like others, the government of the place shall inform his government of it, to the end that he may be changed and replaced; but he shall enjoy, as well for himself as his family and suite, the protection of the government; and he may import for his own use all his provisions and furniture, without paying any duty; and if he shall import merchandize, (which it shall be lawful for him to do,) he shall pay duty for it.

Art. 18. If the subjects or citizens of either of the contracting parties, being within the possessions of the other, contract debts, or enter into obligations, neither the consul nor the nation, nor any subjects or citizens thereof, shall be in any manner responsible, except they or the consul shall have previously become bound in writing. And without this obligation in writing they cannot be called upon for indemnity or satisfaction.

Art. 19. In case of a citizen or subject of either of the contracting parties dying within the possessions of the other, the consul or the vekil shall take possession of his effects, (if he does not leave a will,) of which he shall make an inventory; and the government of the place shall have nothing to do therewith. And if there be no consul, the effects shall be deposited in the hands of a confidential person of the place, taking an inventory of the whole, that they may eventually be delivered to those to whom they of right belong.

Art. 20. [Same as Art 19, of Tripoli Treaty.]

Art. 21. If a citizen or subject of one of the parties shall kill, wound, or strike, a citizen or subject of the other, justice shall be done according to the laws of the country where the offence shall be committed: the consul shall be present at the trial; but if any offender shall escape, the consul shall be in no manner responsible for it.

Art. 22. If a dispute or lawsuit, on commercial or other civil matters, shall happen, the trial shall be had in the presence of the consul, or of a confidential person of his choice, who shall represent him, and endeavor to accommodate the difference which may have happened between the citizens or subjects of the two nations.

Art. 23. [Nearly the same as Art. 15, of Tripoli Treaty.]

Treaty with Tripoli, made June 4, 1805.

Art. 1. There shall be, from the conclusion of this treaty, a firm, inviolable, and universal peace, and a sincere friend-

ship between the president and citizens of the United States of America, on the one part, and the bashaw, bey, and subjects of the regency of Tripoli, in Barbary, on the other, made by the free consent of both parties, and on the terms of the most favored nation. And if any party shall hereafter grant to any other nation, any particular favor or privilege in navigation or commerce, it shall immediately become common to the other party; freely, where it is freely granted to such other nation; but where the grant is conditional, it shall be at the option of the contracting parties, to accept, alter or reject such conditions, in such manner as shall be most conducive to their respective interests.

Art. 4. [Same as *Art. 3.* in Tunis Treaty.]

Art. 5. If any citizens or subjects, with their effects, belonging to either party, shall be found on board a prize vessel, taken from an enemy by the other party, such citizens or subjects shall be liberated immediately, and their effects, so captured, shall be restored to their lawful owners, or their agents.

Art. 6. Proper passports shall immediately be given to the vessels of both the contracting parties, on condition that the vessels of war belonging to the regency of Tripoli, on meeting with merchant vessels belonging to citizens of the United States of America, shall not be permitted to visit them with more than two persons besides the rowers; these two only shall be permitted to go on board said vessel, without first obtaining leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage; and should any of the said subjects of Tripoli insult or molest the commander, or any other person on board a vessel so visited, or plunder any of the property contained in her, on complaint being made by the consul of the United States of America, resident at Tripoli, and on his producing sufficient proof to substantiate the fact, the commander or rais of said Tripoline ship or vessel of war, as well as the offenders, shall be punished in the most exemplary manner. All vessels of war belonging to the United States of America, on meeting with a cruiser belonging to the regency of Tripoli, and having seen her passport and certificate from the consul of the United States of America, residing in the regency, shall permit her to proceed on her cruise unmolested, and without detention. No passport shall be granted by either party to any vessels, but such as are absolutely the property of citizens or subjects of said contracting parties, on any pretence whatever.

Art. 7. [Nearly the same as Art. 7, of Tunis Treaty.]

Art. 8. [Same as Art. 8, of Tunis Treaty.]

Art. 9. [Same as Art. 9, of Tunis Treaty.]

Art. 10. [Same as Art. 10, of Tunis Treaty.]

Art. 11. The commerce between the United States of America and the regency of Tripoli; the protections to be given to merchants, masters of vessels, and seamen; the reciprocal right of establishing consuls in each country, and the privileges, immunities, and jurisdiction, to be enjoyed by such consuls are declared to be on the same footing with those of the most favored nations respectively.

Art. 12. [Same as Art. 18, of Tunis Treaty.]

Art. 13. [Same as Art. 11, of Tunis Treaty.]

Art. 14. As the government of the United States of America, has, in itself, no character of enmity against the laws, religion, or tranquility of Musselmen, and as the said states never have entered into any voluntary war or act of hostility against any Mahometan nation, except in defence of their just rights to freely navigate the high seas, it is declared by the contracting parties, that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two nations. And the consuls and agents of both nations, respectively, shall have liberty to exercise his religion in his own house. All slaves of the same religion shall not be impeded in going to said consul's house at hours of prayer. The consuls shall have liberty and personal security given them, to travel within the territories of each other, both by land and sea, and shall not be prevented from going on board any vessel that they may think proper to visit. They shall have, likewise, the liberty to appoint their own drogaman and brokers.

Art. 15. In case of any dispute arising, from the violation of any of the articles of this treaty, no appeal shall be made to arms; nor shall war be declared on any pretext whatever; but if the consul residing at the place where the dispute shall happen, shall not be able to settle the same, the government of that country shall state their grievances in writing, and transmit it to the government of the other; and the period of twelve calendar months shall be allowed for answers to be returned; during which time no act of hostility shall be permitted by either party; and in case the grievances are not redressed, and war should be the event, the consuls, and citizens or subjects of both parties, reciprocally, shall be permitted to embark with their effects unmo-

tested, on board of what vessel or vessels they shall think proper.

Art. 16. If, in the fluctuation of human events, a war should break out between the two nations, the prisoners captured by either party shall not be made slaves, but shall be exchanged, rank for rank. And if there should be a deficiency on either side, it shall be made up by the payment of five hundred Spanish dollars for each captain, three hundred dollars for each mate and supercargo, and one hundred Spanish dollars for each seaman so wanting. And it is agreed, that prisoners shall be exchanged in twelve months from the time of their capture; and that the exchange may be effected by any private individual legally authorized by either of the parties.

Art. 17. If any of the Barbary states, or other powers, at war with the United States of America, shall capture any American vessel, and send her into any of the ports of the regency of Tripoli, they shall not be permitted to sell her, but shall be obliged to depart the port, on procuring the requisite supplies of provisions; and no duties shall be exacted on the sale of prizes captured by vessels sailing under the flag of the United States of America, when brought into any port in the regency of Tripoli.

Art. 18. If any of the citizens of the United States, or any person under their protection, shall have any dispute with each other, the consul shall decide between the parties; and whenever the consul shall require any aid or assistance from the government of Tripoli to enforce his decisions, it shall immediately be granted to him; and if any dispute shall arise between any citizen of the United States, and the citizens or subjects of any other nation having a consul or agent at Tripoli, such disputes shall be settled by the consuls or agents of the respective nations.

Art. 19. [Same as Art. 21, of Tunis Treaty.]

Art. 20. [Same as Art. 19, of Tunis Treaty.]

Treaty with Morocco, made Sept. 16, 1836.

Art. 1. We declare that both parties have agreed that this treaty, consisting of twenty-five articles, shall be inserted in ~~the~~ ^{the} ~~book~~ and be delivered to James R. Leib, agent of the ^{ates, and now their resident consul at Tangier,} approbation it has been made, and who is duly their part, to treat with us, concerning all the ed therein.

Art. 2. If either of the parties shall be at war with any nation whatever the other shall not take a commission from the enemy, nor fight under their colors.

Art. 3. [Same as Arts. 2 and 3, of Tunis Treaty.]

Art. 4. [Same as Arts. 4 and 5, of Tunis Treaty.]

Art. 5. If either of the parties shall be at war, and shall meet a vessel at sea belonging to the other, it is agreed, that if an examination is to be made, it shall be done by sending a boat with two or three men only: and if any gun shall be fired, and injury done, without reason, the offending party shall make good all damages.

Art. 6. If any Moor shall bring citizens of the United States, or their effects, to his majesty, the citizens shall immediately be set at liberty, and the effects restored; and, in like manner, if any Moor, not a subject of these dominions, shall make prize of any of the citizens of America or their effects, and bring them into any of the ports of his majesty, they shall be immediately released, as they will then be considered as under his majesty's protection.

Arts. 7 and 8. [Same as Art. 8, of Tunis Treaty.]

Art. 9. [Same as Art. 9, of Tunis Treaty.]

Art. 10. [Same as Art. 10, of Tunis Treaty.]

Art. 11. If we shall be at war with any Christian power, and any of our vessels sails from the ports of the United States, no vessel belonging to the enemy shall follow, until twenty-four hours after the departure of our vessels: and the same regulation shall be observed towards the American vessels sailing from our ports, be their enemies Moors or Christians.

Art. 12. If any ship of war belonging to the United States, shall put into any of our ports, she shall not be examined on any pretence whatever, even though she should have fugitive slaves on board, nor shall the governor or commander of the place compel them to be brought on shore on any pretext, nor require any payment for them.

Art. 13. [Same as Art. 11, of Tunis Treaty.]

Art. 14. [Same as Art. 14, of Tunis Treaty.]

Art. 15. Merchants of both countries shall employ only such interpreters, and such other persons to assist them in their business, as they shall think proper. No commander of a vessel shall transport his cargo on board another vessel; he shall not be detained in port longer than he may think proper; and all persons employed in loading or unloading goods, or in any other labor whatever, shall be paid at the customary rates, not more and not less.

Art. 16. In case of a war between the parties, the prisoners are not to be made slaves, but to be exchanged one for another, captain for captain, officer for officer, and one private man for another; and if there shall prove a deficiency on either side, it shall be made up by the payment of one hundred Mexican dollars for each person wanting. And it is agreed, that all prisoners shall be exchanged in twelve months from the time of their being taken, and that this exchange may be effected by a merchant, or any other person, authorized by either of the parties.

Art. 17. Merchants shall not be compelled to buy or sell any kind of goods but such as they shall think proper: and may buy and sell all sorts of merchandize but such as are prohibited to the other Christian nations.

Art. 18. All goods shall be weighed and examined before they are sent on board; and to avoid all detention of vessels, no examination shall afterwards be made, unless it shall first be proved that contraband goods have been sent on board; in which case, the persons who took the contraband goods on board, shall be punished according to the usage and custom of the country, and no other person whatever shall be injured, nor shall the ship or cargo incur any penalty or damage whatever.

Art. 19. No vessel shall be detained in port on any pretence whatever, nor be obliged to take on board any article without the consent of the commander, who shall be at full liberty to agree for the freight of any goods he takes on board.

Art. 20. [Same as Art. 20, of Tunis Treaty.]

Art. 21. [Same as Art. 21, of Tunis Treaty.]

Art. 22. [Same as Art. 19, of Tunis Treaty.]

Art. 23. [Same as Arts. 17 and 18, of Tunis Treaty.]

Art. 24. [Same as Art. 23, of Tunis Treaty.]

Art. 25. This treaty shall continue in force, with the help of God, for fifty years; after the expiration of which term, the treaty shall continue to be binding on both parties, until the one shall give twelve months' notice to the other, of an intention to abandon it; in which case its operations shall cease at the end of the twelve months.

Treaty with the Ottoman Porte, made 7th May, 1830.

Art. 1. Merchants of the Sublime Porte, whether Mussulmen or Rayahs, going and coming, in the countries, provinces, and ports of the United States of America, or of

ing from one port to another, or from the ports of the United States to those of other countries, shall pay the same duties and other imposts that are paid by the most favored nations; and they shall not be vexed by the exaction of higher duties; and in traveling by sea and by land, all the privileges and distinctions observed towards the subjects of other powers shall serve as a rule, and shall be observed towards the merchants and subjects of the Sublime Porte. In like manner, American merchants, who shall come to the well defended countries and ports of the Sublime Porte, shall pay the same duties and other imposts that are paid by merchants of the most favored friendly powers, and they shall not, in any way, be vexed or molested. On both sides, traveling passports shall be granted.

Art. 2. The Sublime Porte may establish *shahbenders* (consuls) in the United States of America; and the United States may appoint their citizens to be consuls or vice-consuls at the commercial places in the dominions of the Sublime Porte, where it shall be found needful to superintend the affairs of commerce. These consuls or vice-consuls shall be furnished with *berats* or *firmans*; they shall enjoy suitable distinction, and shall have necessary aid and protection.

Art. 3. American merchants, established in the well defended states of the Sublime Porte, for purposes of commerce, shall have liberty to employ *semsars* (brokers) of any nation or religion, in like manner as merchants of other friendly powers; and they shall not be disturbed in their affairs, nor shall they be treated, in any way, contrary to established usages. American vessels arriving at, or departing from, the ports of the Ottoman Empire, shall not be subjected to greater visit, by the officers of the custom house and the chancery of the port, than vessels of the most favored nation.

Art. 4. If litigations and disputes should arise between the subjects of the Sublime Porte and citizens of the United States, the parties shall not be heard, nor shall judgment be pronounced unless the American dragoman be present. Causes in which the sum may exceed five hundred piastres, shall be submitted to the Sublime Porte, to be decided according to the laws of equity and justice. Citizens of the United States of America, quietly pursuing their commerce, and not being charged or convicted of any crime or offence, shall not be molested; and even when they may have committed some offence, they shall not be arrested and put in prison by the local authorities, but they shall be tried by

their minister or consul, and punished according to their offence, following, in this respect, the usage observed towards other Franks.

Art. 5. American merchant vessels, that trade to the dominions of the Sublime Porte, may go and come in perfect safety with their own flag; but they shall not take the flag of any other power, nor shall they grant their flag to the vessels of other nations and powers, nor to the vessels of rayahs. The minister, consuls, and vice-consuls of the United States, shall not protect, secretly or publicly, the rayahs of the Sublime Porte, and they shall never suffer a departure from the principles here laid down and agreed to by mutual consent.

Art. 6. Vessels of war, of the two contracting parties, shall observe towards each other demonstrations of friendship and good intelligence, according to naval usage; and towards merchant vessels they shall exhibit the same kind and courteous manner.

Art. 7. Merchant vessels of the United States, in like manner as vessels of the most favored nations, shall have liberty to pass the canal of the imperial residence, and go and come in the Black Sea, either laden or in ballast; and they may be laden with the produce, manufactures and effects of the Ottoman Empire, excepting such as are prohibited, as well as of their own country.

Art. 8. Merchant vessels of the two contracting parties shall not be forcibly taken for the shipment of troops, munitions and other objects of war, if the captains or proprietors of the vessels shall be unwilling to freight them.

Art. 9. If any merchant vessel of either of the contracting parties should be wrecked, assistance and protection shall be afforded to those of the crew that may be saved; and the merchandize and effects, which it may be possible to save and recover, shall be conveyed to the consul nearest to the place of the wreck, to be, by him, delivered to the proprietors.

Treaty with the Sultan of Muscat, 21st September, 1833.

Art. 1. There shall be a perpetual peace between the United States of America and Seyed Syeed Bin, sultan, and his dependencies.

Art. 2. The citizens of the United States shall have free liberty to enter all the ports of his Majesty Seyed Syeed Bin, sultan, with their cargoes, of wh

cargoes may consist; and they shall have liberty to sell the same to any of the subjects of the sultan, or others who may wish to buy the same, or to barter the same for any produce or manufactures of the kingdom, or other articles that may be found there. No price shall be fixed by the sultan, or his officers, on the articles to be sold by the merchants of the United States, or the merchandize they may wish to purchase; but the trade shall be free on both sides to sell or buy, or exchange, on the terms and for the prices the owners may think fit: and whenever the said citizens of the United States may think fit to depart, they shall be at liberty so to do; and if any officer of the sultan shall contravene this article, he shall be severely punished. It is understood and agreed, however, that the articles of muskets, powder, and ball can only be sold to the government in the island of Zanzibar; but, in all the other ports of the sultan, the said munitions of war may be freely sold, without any restrictions whatever, to the highest bidder.

Art. 3. Vessels of the United States entering any port within the sultan's dominions shall pay no more than *five* per cent. duties on the cargo landed; and this shall be in full consideration of all import and export duties, tonnage, license to trade, pilotage, anchorage, or any other charge whatever: nor shall any charge be paid on that part of the cargo which may remain on board unsold and re-exported: nor shall any charge whatever be paid on any vessel of the United States which may enter any of the ports of his majesty for the purpose of refitting, or for refreshments, or to inquire the state of the market.

Art. 4. The American citizen shall pay no other duties on export or import, tonnage, license to trade, or other charge whatsoever, than the nation the most favored shall pay.

Art. 5. If any vessel of the United States shall suffer shipwreck on any part of the sultan's dominions, the persons escaping from the wreck shall be taken care of and hospitably entertained, at the expense of the sultan, until they shall find an opportunity to be returned to their country, (for the sultan can never receive any remuneration whatever for rendering succor to the distressed;) and the property saved from such wreck shall be carefully preserved and delivered to the owner, or the consul of the United States, or any authorized agent.

Art. 6. The citizens of the United States resorting to the ports of the sultan for the purpose of trade shall have leave *to land and reside* in the said ports without paying any tax

or imposition whatever for such liberty, other than the general duties on imports which the most favored nation shall pay.

Art. 7. If any citizens of the United States, or their vessels, or other property, shall be taken by pirates and brought within the dominions of the sultan, the persons shall be set at liberty, and the property restored to the owner, if he is present, or to the American consul, or to any authorized agent.

Art. 8. Vessels belonging to the subjects of the sultan, which may resort to any port in the United States, shall pay no other or higher rate of duties or other charges than the nation the most favored shall pay.

Art. 9. The president of the United States may appoint consuls to reside in the ports of the sultan where the principal commerce shall be carried on, which consuls shall be the exclusive judges of all disputes or suits wherein American citizens shall be engaged with each other. They shall have power to receive the property of any American citizen dying within the kingdom, and to send the same to his heirs, first paying all his debts due to the subjects of the sultan. The said consuls shall not be arrested, nor shall their property be seized, nor shall any of their household be arrested, but their persons and property, and their houses, shall be inviolate. Should any consul, however, commit any offence against the laws of the kingdom, complaint shall be made to the President, who will immediately displace him.

Treaty with Siam, made 20th March, 1833.

Art. 1. There shall be a perpetual peace between the United States of America and the magnificent king of Siam.

Art. 2. [Nearly same as Art. 2. of Muscat Treaty, except it is not allowed to import opium, which is contraband; nor to export rice, which cannot be embarked as an article of commerce.]

Art. 3. Vessels of the United States entering any port within his majesty's dominions, and selling or purchasing cargoes of merchandize, shall pay, in lieu of import or export duties, tonnage, license to trade, and any other charge whatever, a measurement duty on the cargo. The measurement shall be made from side to side of the vessel's length; and, if a single deck; if otherwise, on the vessel selling merchandize, the su

hundred ticals, or *bats*, shall be paid for every Siamese fathom in breadth, so measured; the said fathom being computed to contain seventy eight English or American inches, corresponding to ninety-six Siamese inches; but if the said vessel should come without merchandize, and purchase a cargo with specie only, she shall then pay the sum of fifteen hundred ticals, or *bats*, for each and every fathom before described. Furthermore, neither the aforesaid measurement duty, nor any other charge whatever, shall be paid by any vessel of the United States that enters a Siamese port for the purpose of refitting, or for refreshments, or to inquire the state of the market.

Art. 4. [Same as Art. 4, of Muscat Treaty.]

Art. 5. [Same as Art. 5, of Muscat Treaty.]

Art. 6. If any citizen of the United States, coming to Siam for the purpose of trade, shall contract debts to any individual of Siam, or if any individual of Siam shall contract debts to any citizen of the United States, the debtor shall be obliged to bring forward and sell all his goods to pay his debts therewith. When the product of such *bona fide* sale shall not suffice, he shall no longer be liable for the remainder, nor shall the creditor be able to retain him as a slave, imprison, flog, or otherwise punish him, to compel the payment of any balance remaining due, but shall leave him at perfect liberty.

Art. 7. Merchants of the United States coming to trade in the kingdom of Siam, and wishing to rent houses therein, shall rent the king's factories, and pay the customary rent of the country. If the said merchants bring their goods on shore, the king's officers shall take account thereof, but shall not levy any duty thereupon.

Art. 8. [Same as Art. 7, of Muscat Treaty.]

Art. 9. Merchants of the United States trading in the kingdom of Siam shall respect and follow the laws and customs of the country in all points.

Art. 10. If hereafter any foreign nation other than the Portuguese shall request and obtain his majesty's consent to the appointment of consuls to reside in Siam, the United States shall be at liberty to appoint consuls to reside in Siam, equally with such other foreign nation.

An abstract of the Treaty between China or the Ta-Tsing Empire, and the United States. Concluded July 3d, 1844.

The preamble mentions the general objects of the treaty, and the names of the negotiators, viz: Caleb Cushing, envoy

extraordinary and minister plenipotentiary of the United States to China; and Tsiyeng—of the imperial house, a vice-guardian of the heir apparent, governor general of the Two Kwangs, and superintendent of the trade and foreign intercourse of the Five Ports—the minister and commissioner extraordinary of the August Sovereign of the Ta-Tsing Empire.

Art. 1. Provides that there shall be a perfect and universal peace, and a sincere and cordial amity between the United States of America and the Ta-Tsing Empire.

Art. 2. Provides, that citizens of the United States, resorting to China for the purposes of commerce, will pay the duties of import and export prescribed in the tariff annexed to the treaty, and no other duties or charges whatever; that no modification in said tariff shall be made, except in consultation with, and with the consent of, consuls or other functionaries thereto authorized by the United States; and that the United States shall participate in any future concession granted to other nations by China.

Art. 3. Provides for the admission of citizens of the United States at the five ports of Kwangchow, Amoy, Fu-chow, Ning-po, and Shang-hai. But prohibits trade in other ports of China, under the penalty of a confiscation of any vessel, owned by a subject of the United States, with her cargo, when engaged in any violation of this law.

Art. 4. Allows the appointment by the United States of consuls for the five open ports of China, who are to be recognized as such by the officers of the Chinese government; to hold communion with the latter, personally or in writing, on terms of equality; and, if disrespectfully treated by the local authorities, to have the right of representing the grievance to the superior officers of the Chinese government, and to claim a just award.

Art. 5. Provides for citizens of the United States to import and sell, or buy and export all manner of merchandize at the five ports.

Art. 6. Limits the tonnage duty on American ships to 5 mace per ton, if over 150 tons registered burden, and 1 mace per ton, if of 150 tons or less. Also, provides that such vessel having paid tonnage at one of the five ports shall not be subject to pay a second tonnage duty at any other of said five ports.

Art. 7. Boats for the conveyance of passengers, baggage, letters, or provisions, or cargo boats hired of the Chinese, exempt from the payment of tonnage duty.

Art. 8. Provides for authorizing citizens of the United

States in China to employ pilots, servants, linguists, laborers, seamen, and packers for whatever necessary service, for any reasonable compensation agreed on by the parties, or settled by application to the consular officer of the United States.

Art. 9. Provides for the employment and duties of custom house guards for merchant vessels of the United States in China, free from any obligation on said vessels to provide food or remuneration for the same.

Art. 10. Provides that securities of vessels shall deposit their ships' papers with the Consul, and make a report, through the consul, to the superintendent of customs, of the name and tonnage of each vessel, the names of her men, and of her cargo, within forty-eight hours after their arrival in port; forbids the discharge of goods without a permit; and authorizes the vessel to discharge the whole or a part only of the cargo, at discretion, or to depart without breaking bulk.

Art. 11. Provides the mode of examining goods in order to the estimation of the duty chargeable thereon, and provides for the adjustment of any dispute respecting such matters, by a reference of the same, within 24 hours, to the consul of the United States and the superintendent of customs.

Art. 12. Provides for regularity and uniformity of weights and measures at the five ports.

Art. 13. Provides for the time and mode of paying duties: tonnage duties being payable on the admittance of the vessel to entry; import duties, on the discharge of the goods; and export duties on the lading of the same; in sycee silver, or approved foreign money, according to the proper rate of exchange, to the Chinese shroffs duly appointed. And not until after the payment of these dues, and the procurement of a port clearance, can the United States consul return the ship's papers.

Art. 14. Forbids the transshipment of goods from vessel to vessel in port, without a permit for the same.

Art. 15. Abolishes the hong and other monopolies and restrictions on trade in China.

Art. 16. Provides for the collection of debts due from Chinese to Americans, or from Americans to Chinese, through the tribunals of the respective countries.

Art. 17. Provides for the residence of citizens of the United States; the construction by them of dwellings, store-houses, churches, cemeteries and hospitals, and regulates

the limits of residence, and trade permitted to citizens of the United States at the five ports and the parts appertaining thereto, to be determined by the Chinese local officers and the United States consuls.

Art. 18. Empowers citizens of the United States freely to employ teachers and other literary assistants, and to purchase books in China.

Art. 19. Provides for the means of insuring the personal security of citizens of the United States in China, and for the defence of their dwellings, stores and goods, by the local officers and a military force, upon the requisition of either of the consuls of the United States.

Art. 20. Provides that subjects of the United States, having paid duties on goods at either of the said ports, may at pleasure export the same to any of the five ports without paying duty on the same a second time.

Art. 21. Provides that subjects of China, and citizens of the United States in China, charged with crimes, shall be subject only to the exclusive jurisdiction, each, of the laws and officers of their respective governments.

Art. 22. Provides that the merchant vessels of the United States may freely carry between the five ports and any country with which China may happen to be at war, if the same be not engaged in transporting the officers or soldiers of the enemy, nor in fraudulently enabling the enemy's ships to enter the ports of China.

Art. 23. Provides for reports to be made by consuls of the United States, annually, to the governor-general of their respective ports, of the commerce of their country in China.

Art. 24. Provides that complaints or petitions, made by citizens of the United States to the Chinese Government, shall be first submitted to their consul, or other suitable officer, for him to determine if the language be proper and respectful, and the matter just and right; and subjects of China, addressing a consul or any officer of the United States, shall, in like manner, and for the same purpose, first submit their address or complaint to the Chinese local authorities; and in cases of difficulty the matter shall be examined and decided equitably, by the public officers of both nations acting in conjunction.

Art. 25. Provides that all questions in regard to rights, whether of person or of property, arising between citizens of the United States in China, shall be subject to the jurisdiction and regulated by the authorities of their own government.

Art. 26. Provides for the police and security of merchant vessels of the United States in the waters of China, except against any foreign power, and for the pursuit of and punishment of piracies on the same by subjects of China, and for the delivery of all property recovered from such depredators to the nearest consal of the United States.

Art. 27. Provides for the safety and protection of vessels or citizens of the United States wrecked on the coast, or driven by stress of weather or otherwise into any of the ports of China.

Art. 28. Provides that citizens of the United States, their vessels and property, shall not be subject to any embargo, detention, or other molestation in China.

Art. 29. Provides for the apprehension in China of mutineers or deserters from the vessels of the United States; the delivering up of Chinese criminals taking refuge in the houses or vessels of the Americans; and the mutual prevention of acts of disorder and violence; and that the merchants, seamen, and other citizens of the United States in China, shall be under the superintendence of the appropriate officers of their own government.

Art. 30. Prescribes that the mode and style of correspondence between the officers and private individuals of the two nations shall in all cases be respectful; that the correspondence of the superior authorities, including the local officers, civil and military, of China, and the consuls of the United States, shall be in the form of mutuality, (*cháu-hwei*;) the address of any inferior officer of one government to the superior officer of the other, in the style of memorial, (*shin-chin*;) and any address of a private individual to a superior officer, in the form of petition, (*pin-ching*.) And it further decrees that no present shall ever be demanded by either government of the other.

Art. 31. Provides that the transmission of communications from the government of the United States to the Imperial Court, shall be through the hands of the imperial commissioner, charged with foreign affairs in China, or by the governor-general of the Liang Kwang, or of Min and Cheh, or of Liang Kiang.

Art. 32. Provides that ships of war of the United States shall have facilities allowed for the purchase of provisions, procuring water, or making repairs; and the commanders of the same shall hold intercourse with the superior local authorities, at either of the five open ports, in terms of equality and courtesy.

Art. 33. Provides that citizens of the United States, engaged in the opium or any other contraband trade, or trading clandestinely with such of the ports of China as are not open to foreign commerce, shall not be countenanced or protected by their government; but be subject, with their vessels, exclusively to the Chinese authorities; and the United States government must take measures to prevent their flag from being abused by subjects of other nations, as a cover for any illegal trade in China.

Art. 34. Provides that the Treaty shall be in force for twelve years, or longer, at the option of the two governments, and that the ratification shall be exchanged within eighteen months from the date of the signatures thereof.

The Treaty purports to be signed and sealed by the respective plenipotentiaries at Wang Hiya, in the 24th year, fifth month and 18th day of Taou Kwang, and the 3d of July, A. D. 1844.

C. CUSHING.

TSIYENG (in Manchu.)

II.

CIRCULARS.

CIRCULAR OF THE STATE DEPARTMENT.

DEPARTMENT OF STATE, *Washington*, Sept. 1, 1848.

To the Consul of the United States,

SIR: The great increase in the amount annually expended for the relief and protection of destitute American seamen in foreign countries, calls upon this Department to adopt all proper measures compatible with the relief and protection of that meritorious class of our citizens for the reduction of this expenditure. In such regulations as may be adopted for this purpose, I calculate with confidence on the efficient co-operation of the Consuls of the United States, to whose administration, under the instructions of this Department, are entrusted the funds appropriated for the relief and protection of seamen.

Among the causes which appear to have produced this increased expenditure is that of the detention of seamen at some consulates for long periods of time. There can be but

two reasons for this Practice: 1st, A deficiency of American, or other vessels, bound to the United States, by which they might be sent home; or, 2d, Such a state of infirm health of the seamen as would render it improper to send them on the voyage. In order to guard against an improper expenditure from this cause, the Fifth Auditor has adopted a rule to suspend, in the adjustment of consular accounts, all charges for relief afforded to seamen who have been for more than three months chargeable to the United States, unless the accounts are accompanied by satisfactory evidence; 1st, That the detention was caused by a want of vessels in which they might have been shipped to the United States; or, 2d, That the health of the seamen was in such a state that it would endanger their lives to have them sent on the homeward voyage. The evidence in the latter case is to be by the oath to the fact of the attending physician.

Approving of this rule I call your attention to it, and earnestly enjoin a strict compliance with it in all cases to which it may be applicable. This will be requisite to insure the payment of your drafts on this Department.

In places where, from the unfrequent departure of vessels bound to the United States, opportunities of sending seamen home seldom occur; and where employment on board of American vessels cannot be obtained, it may be proper for the Consul, in the exercise of a sound discretion, to embrace opportunities of shipping them to an intermediate port where they would be likely to find such employment, or a passage to the United States. The Consul will, in this case, make a specific agreement with the master of the vessel, at the most reasonable rate, for their passage; giving to him a draft on this Department for the amount, upon which it shall be expressed that its payment shall be upon the sole condition that there shall be endorsed upon it a certificate of the Consul at the port to which the vessel may be bound, that the seamen named have arrived at his consulate. In the exercise of this discretion the Consul will take into consideration the relative cost of keeping the seamen where they are, and at the port to which they can be sent, together with the expense of their passage to, and the probability of their obtaining employment at, or a passage home from the latter, and adopt that course which may appear the most economical, as well as conducive to the relief, &c., of the seamen.

You are requested to acknowledge, immediately, the receipt of this communication and to transmit a list of the seamen who may be chargeable at your consulate, specifying

the dates when they became so respectively. You will also transmit with all your future quarterly accounts a list of the seamen then chargeable; the number of vessels, American and foreign, and their tonnage, which may have sailed for the United States subsequent to the date of your last account, and a statement of the seamen sent home by them.

Your particular observance of these regulations is earnestly enjoined, as well as the adoption of such measures as your experience may suggest, for the faithful and economical administration of the funds committed to you.

I annex an extract of a letter from the Fifth Auditor, under date of the 30th ultimo, containing a suggestion which meets my approbation.

I am, sir, your obedient servant. [Signed.]

Extract from a letter of the Fifth Auditor to the Secretary of State, dated August 30th, 1843.

“To obviate the excuse sometimes made for retaining seamen at the consulates, viz: the want of vessels homeward bound in which to send them, I respectfully suggest, as the law fixes the number of seamen which vessels of the United States shall be required to bring and the price to be paid for their passages, that the Consuls be instructed, when an American vessel has received two seamen for every one hundred tons burthen at the price fixed by law, to bargain with the master of such vessel for the passage of an additional number at a reasonable compensation above the ten dollars fixed by law to be paid on his certificate in the usual way at the Treasury. And, also, with masters of foreign vessels at reasonable rates when opportunities by American vessels do not offer. It would often be economy to pay 50 or 100 dollars to have seamen sent home from the Sandwich, and other Islands of the Pacific, where they have been kept longer and at a greater expense than at other consulates.”

INSTRUCTIONS TO OFFICERS OF THE CUSTOMS AND UNITED STATES CONSULS.

TREASURY DEPARTMENT, August 20, 1845.

For the government of the officers of the Customs, and also the Consuls of the United States, in reference to the requirements of existing laws respecting the proper verification of invoices, it is deemed expedient to re-issue the circular instructions of the Department heretofore promulgated on the subject, with such additional instructions and explanations as seem to be called for.

The instructions referred to will be found annexed hereto, issued under dates of 14th May and 16th August, 1831, 16th October, 1832, and 4th April, 1840.

Under the provisions of the act of Congress of 1st March, 1823, the invoices of all imported goods subject to *ad valorem* duty, belonging to persons *not residing* in the United States, must be sworn to and verified by consular certificates according to one of the annexed forms, as the case may be.

This formality is not required by law where the same description of goods liable to a similar rate of duty may be imported by a person residing in the United States; as the law authorizes the owner, consignee, importer, or agent, to swear to the foreign cost or value of the goods on making entry at the custom house.

Invoices of *ad valorem*, specific, or free goods, when made out in a foreign depreciated currency, or a currency the value of which is not fixed by the laws of the United States, whether the importer or owner resides in this country or abroad, must, in each case, be accompanied by a consular certificate showing the *value of such currency* in Spanish or United States silver dollars, according to the annexed form. No consular certificate of the *foreign cost or market value* of specific and free goods is required by law or instructions.

It is to be remarked, that by the act of 3d March, 1801, invoices of all goods imported into the United States *subject to a duty ad valorem*, are required to be "made out in the currency of the place or country from whence the importation shall be made, and shall contain a true statement of the actual cost of such goods in such foreign currency or currencies, without any respect to the value of the coins of the United States or foreign coins, which now are or shall be by law, made current within the United States in such foreign place or country." Hence invoices of specific or free goods are not required to be made out in the currency of the country from whence the goods may be imported; but *whenever* invoices of such goods are made out in the currency of the country, and said currency is depreciated, and its value not fixed by any law of the United States, a consular certificate of the value of such currency must, as before intimated, accompany the same. There is nothing in the law or instructions of the Department to prohibit invoices of specific or free goods from being made out in the currency of the United States, or that of any other country where its value is fixed by our laws.

R. J. WALKER, *Secretary of the Treasury.*

CIRCULAR TO CONSULS OF THE UNITED STATES.

TREASURY DEPARTMENT, May 14, 1831.

SIR: With a view to estimating correctly the amount of duties to be charged on merchandize invoiced in a currency of which the value is not fixed by the laws of the United States, the Collectors of the Customs have been instructed, by direction of the President, to require from the importer of merchandize thus invoiced a certificate from the Consul of the United States, if there be one at the place of exportation, of the true value of such currency in Spanish or United States silver dollars; and it is the President's desire that such certificates be given by the Consuls of the United States on the application of the party, and on payment of the fees authorized by law therefor.

You are also requested to transmit at least once a month, if opportunity offers, to this Department, a statement of the rates at which any depreciated currency of the country you reside in is computed, in United States or Spanish dollars, or in silver or gold coins of other countries; observing in all cases of an estimate of the currency in such foreign coins, that their weight and standard should be made known to the Department.

I am, respectfully, your obedient servant,

S. D. INGHAM, *Secretary of the Treasury.*

CIRCULAR TO COLLECTORS OF THE CUSTOMS.

TREASURY DEPARTMENT, August 16, 1831.

SIR: Inquiry having been made whether the Consular Certificate required by the circular instruction of this Department of the 14th of May last, for invoices made out in a currency of which the value is not fixed by the laws of the United States, is to be confined to invoices of articles subject to ad valorem duties, I have to state that the instruction is general, and is intended to apply to all invoices made out in such currency, whether of ad valorem, specific or free goods. Although the value of specific and free goods is not necessary with a view to the duty, yet the act of February 10, 1820, requires the value of all imported articles to be stated to Congress, and directs that the value of articles subject to specific duties, and of articles free from duty, shall be ascertained in the manner in which the value of imports subject to duties ad valorem is ascertained.

I am, sir, with great respect, your obedient

LOUIS McLANE, *Secretary of th*

CIRCULAR TO COLLECTORS OF THE CUSTOMS.

TREASURY DEPARTMENT, October 16, 1832.

In order to give full effect to the regulations contained in the circular instructions issued by this Department, under the direction of the President, on the 14th of May, and 16th of August, 1831, it is deemed proper to authorize the Collectors in all cases where invoices are presented which are made out in a foreign currency, the value whereof is not fixed by the laws of the United States, and which are not accompanied by the certificate prescribed by those regulations, to require the owner, importer or consignee to give bond to produce the said certificate, if the same be practicable, to the Collector, within eight months if the goods were imported from any port or place on this side of the Cape of Good Hope, or Cape Horn, and within eighteen months if from the Cape of Good Hope, or from any port or place beyond the same, or Cape Horn; and, also, if the goods be subject to ad valorem duty, to pay the amount of duty to which it may appear by such certificate the said goods were liable over and above the amount of duties which may have been paid, or secured to be paid on the same. The bond to be taken under this instruction will be for a sum equal to the amount of the duties charged, and in the case of free goods, it will be for one hundred dollars.

LOUIS McLANE, *Secretary of the Treasury.*

CIRCULAR TO COLLECTORS OF THE CUSTOMS.

TREASURY DEPARTMENT, April 4, 1840.

Representations have been made from time to time, to the Department by United States Consuls, of a non-compliance, on the part of foreign owners and shippers of merchandize to this country, with the requisitions of law, and the regulations prescribed in the circular instructions heretofore issued to the Collectors of the Customs, in regard to the verification of invoices.

It therefore becomes proper again to urge upon the officers of the Customs the exercise of strict vigilance and circumspection in this particular, and to call their special attention to the provisions of law on the subject, as well as to the circular instructions issued in accordance therewith.

Under the provisions of the act of Congress of the 1st of March, 1823, the invoices of all goods imported, and subject to ad valorem duty, belonging to persons not residing in the

United States, are required to have the cost and charges therein stated verified by the oath of the owner, and duly authenticated by the certificate of a United States Consul. In default thereof, the consignee, importer, or agent is required by the tenth section of the act before mentioned, to give bond and surety to produce, within a specified time, the invoice properly sworn to and authenticated as required by the act.

Where invoices are made out in a foreign currency, the value of which has not been fixed by the laws of the United States, whether of goods free of duty or those paying a specific or ad valorem rate of duty, certain regulations were established by the President, under the authority contained in the proviso to the sixty-first section of the act of the 2d of March, 1799, which are prescribed in the circulars of the Department, dated the 14th of May and 16th of August, 1831, and 16th of October, 1832.

By these regulations, each invoice is required to be accompanied by a consular certificate, stating the true value of such currency in Spanish or United States silver dollars; and, in default thereof, bond is to be given for its production within the time mentioned in the circular of October, 1832, by the importer, consignee, or agent.

There is reason to believe, that either negligence has been committed, or too much forbearance exhibited by some of the collectors, where the parties have omitted to comply with the requirements of their bond. The penalty of the bond should, in all cases, be enforced whenever incurred; otherwise these obligations will be disregarded by the parties and considered as mere matters of form, and the intention of the law and regulations thereby entirely frustrated.

LEVI WOODBURY, *Secretary of the Treasury.*

FORMS.

FORM A.

Foreign Owner's Oath, where Goods, Wares or Merchandize have been actually purchased.

I, A
wares

and truly swear that the goods,
the Invoice now produced

and hereto annexed were actually purchased for my account, or for account of myself and partners in the said purchase, and that said Invoice contains a true and faithful account, of the actual cost thereof and of all charges thereon; and that no Discounts, Bounties or Drawbacks, are contained in the said Invoice, but such as have been actually allowed on the same.

(Signed)

A. B.

Sworn to and subscribed before me at the
day of A. D. 184 , and of the Inde-
pendence of the United States of America the

Or the following form used in Liverpool:

FORM A 2.

Form of the Oath of an Owner or Owners of Goods, who have actually purchased the same.

} To Wit.

I of solemnly, sincerely, and truly
that I doing business at under the firm of
 the true and lawful Owner of certain Goods,
Wares, or Merchandize, as specified in the Invoice subscrib-
ed by the proper signature of my amounting to
 and here produced to the undersigned, and
shipped at by for in the United
States of America: that the said Goods, Wares, or Merchan-
dize, were actually purchased for account of : that the
said Invoice hereunto annexed, contains a true and faithful
account of the actual cost thereof, and of all charges there-
of, and of all charges thereon; and that no Discounts, Boun-
ties, or Drawbacks, are contained in the said Invoice, but
such as have been actually allowed on the same.

Sworn at
the day of 184 } (Signed)
before me,

A Master Extraordinary in Chancery.

In the presence of

NOTE.—In all cases where the foregoing oaths are not taken before the United States Consul but before some public officer duly authorized to administer oaths in the country where the goods shall have been purchased, as in the above example, the official certificate of such public officer must be authenticated by a consul or commercial Agent of the United States.

FORM B.

Foreign Manufacturer's or Owner's Oath, in cases where Goods, Wares or Merchandize have not been actually purchased.

I, A. B., of do solemnly and truly swear that the Invoice now produced and hereunto annexed, contains a true and faithful account of the Goods, Wares or Merchandize therein described at their fair market value at at the time the same were (procured or manufactured, as the case may be,) and of all the charges thereon, and that the said Invoice contains no Discounts, Bounties or Drawbacks, but such as have been actually allowed.

(Signed) A. B.
Sworn to and subscribed before me at the
day of A. D. 184 , and of the Inde-
pendence of the United States of America the

FORM B 2.

Form of the Oath of an Owner or Owners of Goods who may be Manufacturer or Manufacturers in whole or in part of the same.

} To Wit.

I of solemnly, sincerely, and truly
that I doing business at under the firm of
 the true and lawful Owner of certain Goods,
Wares, or Merchandize, as specified in the Invoice subscrib-
ed by the proper signature of my amounting to
 and here produced to the undersigned, and
shipped at by for in the United
States of America: that the said Invoice hereunto annexed,
contains a true and faithful account of the said Goods,
Wares, or Merchandize, at their fair market value at the
time and place when and where the same were Manufactur-
ed, and of all charges thereon; and that the said Invoice
contains no Discounts, Bounties, or Drawbacks, but such as
have been actually allowed.

Sworn at }
the day of 184 (Signed)
before me. }
 A Mas- -inary in Chancery.
In the presen

FORM C.

Form of Consular Certificate of the Value of Currency.

I, A. B., Consul of the United States of America, do hereby certify, that the true value of the currency of the Kingdom of in which currency the annexed Invoice of Merchandize is made out is cents estimated in Spanish or American dollars.

(Signed) A. B.

FORMS REQUIRED, IN RELATION TO THE EXPORT
OF IMPORTED GOODS ENTITLED TO DRAWBACK.

FORM D.

Form of a Certificate of consignee declaring the delivery of Merchandize at a foreign port.

I A. A., (or we B. B., and C. C.,) of the (city or town) of , (merchant, or merchants and copartners in trade) do hereby certify, that the Goods or Merchandize hereinafter described, have been landed in this (city, town, or port,) between the and days of , from on board the of , whereof G. G. is at present master, viz: (here insert the particular articles delivered, in manner following, as the case may require, namely:

A. B., No. 1, a 10, ten hogsheads } Containing fourteen thou-
C. D., No. 3, 6, 9, 15, four tierces } sand pounds weight of
coffee.

E. F., No. 14, 18, 22, } Eight hogsheads, containing ten thou-
25, 27, 30, 33, 36. } sand pounds weight of brown sugar.

G. H., No. 21 a 30. Ten chests, containing seven hundred weight of hyson tea.

I. K., 7, 16, 19. Three bales, containing one hundred and fifty pieces of nankeen,) which, according to the bills of lading for the same, were shipped on board the , at the port of in the United States of America, on or about the day of , and consigned to (me, or to us) by , of aforesaid, merchant, (or by the master of the said .)

Given under (my, or our) hands, at the (city) of , this day of .

FORM E.

Form of Oath of the principal officers of vessels, confirming the landing of Merchandize at a foreign port.

Port of ,
We, G. E., master, and H. H., mate of the of ,

lately arrived from the port of _____, in the United States of America, do solemnly (swear, or affirm,) that the Goods or Merchandize enumerated and described in the preceding certificate, dated the _____ day of _____, and signed by A. A., of the city of _____, merchant, were actually delivered at the said port, from on board the said _____, within the time specified in the said certificate.

Sworn, or affirmed, at the city of _____, before me, this _____ day of _____.

FORM F.

Form of verification of delivery of Merchandize by a Consul.

I, M. M., (Consul, or agent of) the United States of America, at the city of _____, do declare, that the facts set forth in the preceding certificates, subscribed by A. A., of the said city, merchant, and dated the _____ day of _____, are, (to my knowledge, just and true, or are, in my opinion,) just and true, and deserving full faith and credit.

In testimony whereof, I have hereunto subscribed my name, and affixed the seal of my office at _____, this _____ day of _____.

M. M., Consul.

Or the following three forms used in Liverpool instead of forms D, E, F.:

FORM D 2.

I, A., (or we B.) _____ of the port of Liverpool, merchant, do hereby certify, that the Goods or Merchandize hereinafter described, have been landed in this port between the _____ and _____ days of _____ 184 _____ from on board the ship or vessel called the _____ whereof _____ is at present master, viz.

Marks.	Numbers.	Description (in letters, not in figures,) of articles and packages, the number thereof, with their actual contents and quantity, with weight, measure, or gauge.

which, according to the Bills of Lading for the same, were shipped on board the said ship or vessel, at the port of _____ in the United States of America, on or about the _____ day of _____ 184 _____ and consigned to _____ by _____ of _____ aforesaid, merchant

Given under _____ hand at the port of Liverpool, this _____ day of _____ 184 _____

I CERTIFY that _____ appear by the
 official documents to have been landed at this
 port, from on board the said ship or vessel,

Principal Clerk of the Bill of Entry Office.
 Custom House, Liverpool, 184

FORM E 2.

*Port of Liverpool.*

We _____ master and _____ mate, of the ship or ves-
 sel called the _____ of _____ lately arrived from the port of
 in the United States of America, do solemnly swear, that the
 Goods or Merchandize enumerated and described in the pre-
 ceding certificate, dated the _____ day of _____ 184 and
 signed by _____ of the port of Liverpool, merchant _____, and
 laden on board the said vessel, at the said port of _____
 were actually delivered in this port from on board the said
 ship or vessel, within the time specified in the said certi-
 ficate.

Sworn before me, at the port of Liverpool,
 this _____ day of _____ 184

FORM F 2.

I _____ Consul of the United States of America at the
 port of Liverpool, do declare that the facts set forth in the
 preceding certificate, subscribed by _____ of the said port,
 merchant _____, are in my opinion just and true, and deserving
 of full faith and credit. Further, that _____ who has
 signed the custom house certificate, is _____ Clerk of the
 bill of Entry Office at this port.

In testimony whereof, I have hereunto subscribed
 my name, and affixed the seal of my office, at
 the port of Liverpool, this _____ day of _____ 184

FORM G.

Form of like verification by American or foreign merchants.

We, _____, residing in the city of _____, do declare, that the facts stated in the preceding certificate, signed by _____ of the said (city,) merchant on the _____ day of _____, are, (to our knowledge, just and true, or are, in our opinion, just and true, and worthy of full faith and credit. We also declare that there is (no Consul, or other public agent, for the United States of America, or American merchants, as the case may require) now residing at this place.

Dated at the city of _____, this _____ day of _____

R. S.
T. L.

FORM H.

Consul's Certificate of a Master's Oath to the list of his officers and men who last sailed in his ship from the United States.



Consulate of the
United States of America,
Liverpool. }

I, _____ Consul of the United States of America for Liverpool and the dependencies thereof, do hereby make known and certify unto all whom it may concern, that on the day of the date hereof, personally appeared and came before me _____ master of the _____ of _____, and declared that the annexed list contains the names of all the officers and men of the crew of the said vessel, who sailed in and with her on her last voyage from the United States of America.

Shipped at Liverpool, to proceed on a voyage to

Names.	Of what country citizens or subjects.	Wages per month.	Description of person.			
			Age.	Height.	Complexion.	Hair.

In testimony whereof, I have hereunto set my hand and affixed the seal of the Consulate of the United States at Liverpool aforesaid, this day of in the year of our Lord one thousand eight hundred and forty- , and in the seven year of the Independence of the said United States.

FORM I.

Consul's Certificate of a Master's Oath to the list of his crew still serving.



Consulate of the
United States of America,
at

} I, A. B., Consul of the

United States of America for and the dependencies thereof, do hereby make known and certify unto all whom it may concern, that on the day of the date hereof, personally appeared and came before me master of the of and made oath that the annexed list contains the names of all the officers and men of the crew of the said vessel, who sailed in and with her on her last voyage from the United States of America, and that they do still continue serving on board the same.

In testimony whereof, I have hereunto set my hand and affixed the seal of the Consulate of the United States at aforesaid, this day of in the year of our Lord one thousand eight hundred and forty- , and in the year of the Independence of the said United States.

FORM J.

Consul's Certificate of the Seamen Shipped at either of the ports of his Consulate upon a vessel of the United States.



Consulate of the
United States of America,
at

}

I,

Consul of the
United States of America for and the dependencies
thereof, do certify that the seamen or mariners hereinafter
described have been shipped at this port, to proceed on a
voyage to on board of the of as ap-
pears by the declaration of master of said
made before me this day.

[The tabular parts and the conclusion of this form, are
precisely like form H.]

FORM K.

Philadelphia Shipping Articles for Trading Vessels.

UNITED STATES OF AMERICA.

It is agreed, between the master, seamen or mariners of
the whereof is at present master, or whoever
shall go for master, now bound from the port of
to

That, in consideration of the monthly or other wages against
each respective seaman's or mariner's name hereunto set, they
severally shall and will perform the above-mentioned voy-
age: and the said master doth hereby agree with and hire
the said seamen or mariners for the said voyage, at such
monthly wages or prices, to be paid pursuant to this agree-
ment, and the laws of the Congress of the United States of
America, and the custom and usage of the port of

And they, the said seamen or mariners, do severally hereby
promise and oblige themselves to do their duty, and obey
the lawful commands of their officers on board the said ves-

sel, or the boats thereunto belonging, as becomes good and faithful seamen or mariners; and at all places where the said vessel shall put in, or anchor at, during the said voyage, to do their best endeavors for the preservation of the said vessel and cargo, and not to neglect or refuse doing their duty by day or night, nor shall go out of the said vessel, on board any other vessel, or be on shore under any pretence whatsoever, until the above said voyage be ended, and the said vessel be discharged of her loading, without leave first obtained of the captain or commanding officer on board; that in default thereof, they will be liable to all the penalties and forfeitures mentioned in the marine law, enacted for the government and regulation of seamen in the merchant's service, in which it is enacted, "that if any seaman or mariner shall absent himself from on board the ship or vessel, without leave of the master or officer commanding on board, and the mate, or other officer having charge of the log-book shall make an entry therein of the name of such seaman or mariner on the day on which he shall so absent himself; and if such seaman or mariner shall return to his duty within forty-eight hours, such seaman or mariner shall forfeit three days' pay for every day which he shall so absent himself, to be deducted out of his wages: but if any seaman or mariner shall absent himself for more than forty-eight hours at one time, he shall forfeit all wages due to him, and all his goods and chattels, which were on board the said ship or vessel, or in any store where they may have been lodged at the time of his desertion, to the use of the owner or owners of the said ship or vessel; and moreover shall be liable to pay him or them all damages which he or they may sustain by being obliged to hire other seamen or mariners in his or their place." And it is further agreed, that in case of capture, death, or impressment, the wages are to cease. And it is further agreed by both parties, that each and every lawful command which the said master shall think necessary hereafter to issue for the effectual government of the said vessel, suppressing immorality and vice of all kinds, is to be strictly complied with, under the penalty of the person or persons disobeying, forfeiting his or their whole wages or hire, together with everything belonging to him or them on board said vessel. And it is further agreed on, that no officer or seaman belonging to the said vessel, shall demand or be entitled to his wages or any part thereof, until the arrival of the said vessel at the above-mentioned port of discharge, and her cargo delivered. And it is hereby further

agreed between the master and officers of the said vessel, that whatever apparel, furniture, and stores, each of them may receive into their charge, belonging to the said vessel shall be accounted for on her return; and in case anything, shall be lost or damaged, through their carelessness or insufficiency, it shall be made good by such officer or seaman by whose means it may happen, to the master and owners of the said vessel. And whereas it is customary for the said officers and seamen, on the vessel's return home, in the harbor, and whilst the cargo is delivering, to go on shore each night to sleep, greatly to the prejudice of such vessel and freighters, be it further agreed by the ship parties, that neither officer nor seaman shall, on any pretence whatever, be entitled to such indulgence, but shall do their duty by day in discharge of the cargo, and keep such watch by night as the master shall think necessary to order for the preservation of the above. And whereas it often happens that part of the cargo is embezzled after being safely delivered into lighters, and as such losses are made good by the owners of the vessel, be it therefore agreed by these presents, that whatever officer or seaman the master shall think proper to appoint, shall take charge of her cargo in the lighters, and go with it to the lawful quay, and there deliver his charge to the vessel's husband, or his representative, to see the same safely landed: that each seaman or mariner who shall well and truly perform the above-mentioned voyage, (provided always that there be no plunderage, embezzlement, or other unlawful acts committed on the said vessel's cargo or stores,) shall be entitled to the payment of the wages or hire that may become due to him, pursuant to this agreement, as to their names is severally affixed and set forth. Provided, nevertheless, that if any of the said crew disobey the orders of the said master or other officer of the said vessel, or absent himself at any time without liberty, his wages due at the time of such disobedience or absence, shall be forfeited, and in case such person or persons so forfeiting wages shall be reinstated or permitted to do further duty, it shall not do away such forfeiture. That for the due performance of each and every of the above-mentioned articles and agreements, and acknowledgment of their being voluntary, and without compulsion, or any other clandestine means being used, agreed to and signed by us. In testimony whereof, we have each and every of us under affixed our hands, month and day against us hereunto written. And it is hereby understood and agreed,

by and between the parties aforesaid, that they will render
 themselves on board the said _____ on or before _____ the
 day of _____ at _____ o'clock in the _____ noon.

Places of abode of the Sureties.	No.	
	Street.	
Names of Sureties.		
Wages advanced.	Cents.	
	Dollars.	
Wages for the voyage or month.	Cents.	
	Dollars.	
Day and hour when they are to render themselves on board.	Hour P. M.	
	Hour A. M.	
	Day.	
	Month.	
Time of Entry.	Day.	
	Month.	
Stations.		
Seamen's Names.		

We, the undersigned, late mariners on board the _____ on her late voyage described on the other side of this instrument, and now performed to this place of payment, *do hereby, each one for ourselves* with our signatures, acknowledge to have received of _____ agent or owner of said _____ the full sum hereunder set against our names; it being in full amount of our wages for our services, and of all demands for *assault and battery or imprisonment*, and of

whatever name or nature against said her owners
and officers, to the day and date hereunder also set against
our names.

Note. A consideration must be given for a discharge for
assault and battery, and this receipt understood by the
signers.

Names.	Amount.	Amount in writ- ting.	Place and date of payment.	Signa- tures.	Witness to signing.

FORM L.

[PASSPORT.]

*Consulate of the United States of America, at To
all to whom these presents shall come, Greeting :*

DESCRIPTION.

Age, years.	No.
Stature, feet,	I, the undersigned, Consul of the United
inches, Eng.	States of America, hereby request all whom
Forehead,	it may concern, to permit safely and freely
Eyes,	to pass the bearer hereof, a
Nose,	citizen of the United States; and, in case
Mouth,	of need, to give him all lawful aid and pro-
Chin,	tection.
Hair,	
Complexion,	Given under my hand, and the seal
Face,	of my consulate, at , of the
Signature of [L. s.]	Independence of the United States
the bearer.	the

FORM M.

[COMMISSION.]

*The President of the United States of America, To all
who shall see these presents, Greeting :* Know ye, That repos-
ing special trust and confidence in the abilities and integrity
of , of , I have nominated, and by and
with the advice and consent of the Senate, do appoint him

Consul of the United States of America, for _____, and do authorize and empower him to have and to hold the said office, and to exercise and enjoy all the rights, pre-eminences, privileges, and authorities, to the same of right appertaining; during the pleasure of the President of the United States, for the time being, he demanding and receiving no fees or perquisites of office whatever, which shall not be expressly established by some law of the United States. And I do hereby enjoin all captains, masters, and commanders of ships, and other vessels, armed or unarmed, sailing under the flag of the said States, as well as all other of their citizens, to acknowledge and consider him, the said _____ accordingly. And I do hereby pray and request, _____ governors and officers, to permit the said _____ fully and peaceably to enjoy and exercise the said office, without giving, or suffering to be given, unto him, any molestation or trouble; but, on the contrary, to afford him all proper countenance and assistance, I offering to do the same for all those who shall, in like manner, be recommended to me by _____

In testimony whereof, I have caused these letters to be made patent, and the seal of the United States to be hereunto affixed. Given under my hand, at the city of Washington, the _____ day of _____, in the year of our Lord one thousand eight hundred and _____, and of the Independence of the United States of America the _____

By the President :

Secretary of State.

FORM N.

[BOND.]

Know all men by these presents, That we, _____ are held and firmly bound to the United States of America, in the sum of two thousand dollars, money of the said United States, to the payment whereof we bind ourselves jointly, and severally, our joint and several heirs, executors, and administrators. Witness our hands and seals, this _____ day of _____ 18 _____.

The condition of the above obligation is such. That if the above bounden _____ appointed _____ of the United States, in certain foreign parts, shall truly and faithfully discharge the duties of his said office, according to law, and also shall truly account for all moneys, goods and effects, which may come into his possession by virtue of the laws of the United States, or of his said office, then the above obligation to be void: otherwise, to remain in full force.

Signed, sealed and delivered in the presence of

FORM O.
 RETURN of Distressed Seamen of the United States, relieved by A. B., U. S. Consul at
 from to

Number.	Names.	Between what time subsisted when necessary.		No. of days.	To enable him to proceed to his own Country.	Description of In what manner the Persons. disposed of.	Currency.
		From	To				

FORM P.

U. S. Consulate at _____, in which the Defendants were under U. S. Protection.
 Return of _____ Suits in the Year _____

No.	Date of first Proceedings.	Name and Nationality of Plaintiff.	Name of Defendant.	Nature of ~~Suit~~ .	Judgment.	Appeal.
1	January 1	A. B., Austrian	C. D.	Debt	For the Plaintiff.	None.
2	" 2	A. B., U. S.		Breach of Con't Bankruptcy.	For the Defendant.	Notice given.
3	" 5	" "			" "	" "

FORM Q.

U. S. Consulate at _____, in which the Plaintiffs only were under U. S. Protection.
 Return of _____ Suits in the Year _____

No.	Date of first Proceedings.	Name of Plaintiff.	Name and Nationality of Defendant.	Nature of Suit.	Judgment.	Appeal.	Court of Appeal.
1	January 1	A. B.	C. D., Austrian	Debt	For Defendant	Notice given	Internuncio.
2	" 3	A. B.	C. D., Austrian	Breach of Contract	For Plaintiff	Notice given	Civil Court at Odessa.
3	" 5	A. B.	C. D., Sardinian	Debt	For Plaintiff	None	" "

FORM B.
Consular Statement of Fees, from the *of* to

Names of Parties for whom service is rendered.	Certificates.		Oaths.		Noting Pro- test.	Depo- sit of Ships' Pa- pers.	Sur- vey's, Regis- try &c. Record.	Copy of Docu- ments from Record.	Declarations.	
	No.	Am't.	No.	Am't.					Extending Pro- test.	No. Am't

of included.

Powers of Attorney.	Contracts and Charter Parties.		Passports.		Registering Do- cuments not or- dered from Con- sulate.		Certificates of Citizenship.		Burial.	Sum total rec'd on this vessel.		General Re- marks on this vessel.
	No.	Am't	No.	Am't	No.	Amount.	No.	Am't		on this vessel.	on this vessel.	

NOTE.—The Consuls are requested to note, under the column of "General Remarks," as mi- nutely as possible, the nature of the various documents on which they have received fees—also all other remunerations not noticed in the respective columns of this "Consular Statement."

TABLE,

ing the Diplomatic and Consular stations, established by the United States in foreign countries, the annual emoluments at every Consulate, in comparison with the salaries allowed to British consuls at the same and other stations.

<i>Brit. Salaries.</i>	<i>Brit. Agents.</i>	<i>Stations.</i>	<i>U. S. Agents.</i>	<i>Annual Emoluments.</i>
		BRIT. DOMINIONS.	Env. Ex. & Sec. of Leg.	Env.†.....\$9000
		ENGLAND.	Sec.....	Sec.....2000
		London,.....	Consul and Agent,...	Salary \$2,000 } Rent..\$2,800 } \$9,592 Fees..\$4,792 }
		Liverpool,.....	Consul,.....	1845,*.....\$9,965
		Bristol,.....	do.	1846,.....\$596
		Cowes, Isle of W.,	do.	1846,.....\$908; '47, 282
		Falmouth,.....	do.	1847,.....\$79
		Plymouth,.....	do.	1847,.....\$30
		Leeds,.....	do.	1847,.....\$3,244
		Manchester,.....	do.	
		SCOTLAND.		
		Glasgow,.....	do.	1845, \$2,106; '47 6,072
		Dundee,.....	do.	1845,....\$794; '47, 935
		Leith,.....	do.	1845,....\$200; '47, 334
		IRELAND.		
		Belfast,.....	do.	1845, \$1,080; '46, 1,881

* The emoluments for 1845 are stated from Mr. Secretary Buchanan's Report to Congress.

† The U. S. Diplomatic Agents have each an outfit equal to one year's salary.

<i>Bri. Salaries.</i>	<i>Brit. Agents.</i>	<i>Stations.</i>	<i>U. S. Agents.</i>	<i>Annual Emoluments.</i>
		Cork, ...	do.	1845, ... \$128; '47, 733
		Dublin, ...	do.	1846, ... \$37; '47, 215
		Londonderry, ...	do.	1846, ... \$35; '47, 917
		Galway, ...	do.	
		CHINA.		
		Hong Kong, ...	do.	1846, ... \$422; '47, 251
		EAST INDIES.		
		Bombay, ...	do.	
		Calcutta, ...	do.	1846, ... \$193; '47, 293
		Singapore, ...	do.	1846, ... \$27; '47, 268
		EUROPE AND AFRICA.		
		Gibraltar, ...	do.	1845, ... \$650; '47, 473
		Malta, ...	do.	1846, ... \$422; '47, 251
		Cape Town, ...	do.	1846, ... \$138; '47, 195
		Mauritius, ...	do.	1845, ... \$799; '46, 638
		St. Helena, ...	Commercial Agent, ...	1845, ... \$608; '47, 475
		NORTH AMERICA.		
		St. John's, N. B. .	Consul, ...	1846, ... \$348; '47, 332
		Halifax, ...	do.	1845, ... \$761
		Pictou, N. S.	do.	1846, \$1299; '47, 2779
		Belize, Honduras, ..	do.	
		SOUTH AMERICA.		
		Demerara, ...	do.	1846, ... \$432; '47, 554
		WEST INDIES.		
		Bermuda, ...	do.	1845, ... \$646; '47, 860

\$31,200....	Env. Ex.....	Nassau, N. P.....	do.	1845, ...	\$ 824
3600*....	Consul, ...	Turk's Island,...	do.	1845, \$ 988; '47,	591
2400....	do.	Kingston, Ja.	do.	1845, 1326; '47,	1402
1440....	do.	Barb. does, ...	do.	1845, 1013; '47,	1150
3840....	do.	Trinidad, ...	do.	1845, 528; '47,	2922
384....	Consul General & } Vice Consul.... }	St. Christopher's,	Commercial Agent,...	1846, 540; '47,	270
720....	Consul, ...	Antigua, ...	do.	1845, 504; '47,	348
4320....	do.†	AUSTRALIA.			
960....	Vice Consul, ...	Sidney, N. S. W.	Consul, ...	1846, 527; '47,	837
48,000....	Amb. Ex.....	VANDIEMAN'S LAND.	do.	1846, 225; '47,	271
480....	Consul,†	Hobart Town,...	Env. Ex. & Sec. of Leg.	Env.	9000
		Russia.	Consul, ...	1845, 583; '47,	306
		St. Petersburg,...	do.		
		Riga, ...	do.		
		Archangel, ...	do.		
		Odessa, ...	do.	1846, 50; '47,	42
		Wilborg, ...			
		Warsaw, ...			
		Tagaurog, ...			
		Ketch, ...			
		FRENCH DOMINIONS.	Env. Ex. & Sec. of Leg.	Env.	9000
		'Paris, ...	Consul, ...	1845, 1601; '47,	2209
		Sedan, ...	do.		

* Computed at \$4.80 to the pound sterling. † Not allowed to engage in trade.

\$1440.....	Consul,.....	Nantes,.....	Consul,.....	1846, \$ 96; '47, \$ 64
2160.....	Consul,.....	La Rochelle,.....	do.	1846, 313; '47, 468
3120.....	do.	Bordeaux,.....	do.	1845, 788; '47, 1100
3640.....	do.	Havre,.....	do.	1845, 3081; '47, 2918
1440.....	do.†	Marseilles,.....	do.	1845, 1326; '46, 1418
		Bayonne,.....	do.	
1920.....	Consul,†	Lyons,.....	do.	
1920.....	do.†	Boulonge,.....		
240.....	Vice Consul,.....	Calais,.....		
1440.....	Consul,†	Caen,.....		
1440.....	do.†	Granville,.....		
1440.....	do.	Brest,.....		
960.....	do.†	Charente,.....		
240.....	Vice Consul,.....	Corsica,.....		
		Toulon,.....		
		AFRICA.		
7680.....	Consul Gen. & Agt.†	Algiers,.....	Consul,.....	\$2000
2160.....	and a V. C.†	—		
1680.....	Vice Consul,.....	Oran,.....		
480.....	do.	Bona,.....		
		WEST INDIES.		
		Guadaloupe,.....	Consul,.....	1847, ... \$ 338
		Martinique,.....	do.	1846, \$ 294; '47, 305
31200.....	Env. Ex.....	SPANISH DOMINIONS.	Env. Ex. & Sec. of Leg Env.,.....	9000
2400.....	Consul,.....	Cadiz,.....	Consul,.....	1845, 698; '47, 756
1680.....	do.	Bilboa,.....	do.	

Consul,.....	Malaga,.....	Consul,.....	1845, \$ 545; '47, \$ 709
do.	Barcelona,.....	do.	1846, 88; '47, 92
Vice Consul,.....	Port Mahon,.....	do.	1846, ...
Consular Assistant,†	Madrid,.....		
Consul,.....	Corunna,.....		
Vice Consul,.....	San Lucar,.....		
Consul,†.....	Cartagena,.....		
do.	Alicante,.....		
Consul General,.....	Havana,.....	Consul,.....	1847, 3781; '47, 6,352
Consul,.....	St. Jago de Cuba,	do.	1845, 704; '47, 740
	Trinidad de Cuba,	do.	1845, 528; '47, 2922
	Matauzas,.....	do.	
	Ponce, (Puer. Ro.)	do.	1845, 749; '47, 953
3840.....	St. John's, " ..	do.	1846, 548; '47, 481
	Guayama, " ..	do.	1845, 820; '47, 471
	Mayaguez, " ..	Commercial Agent,...	1845, 1005; '47, 1249
2400.....	Teneriffe, Can'y..	Consul,.....	1846, 172; '47, 104
	Laguna, " ..	Vice Consul,.....	1845, ...
	Manilla, Phil....	Consul,.....	1846, 142; '47, 122
4800.....	PORTUGUESE DOM.	Chargé d'Affaires,...	4500
28,800.....	Env. Ex.....	Consul,.....	1847, ...
2860.....	Consul and }		
1440.....	Vice Consul, }	do.	1846, 403; '47, 228
2400.....	Consul,.....		
240.....	Vice Consul,.....	do.	1845, 591; '47, 247
1440.....	Consul,.....	do.	
	Macao, China,...		

\$ 480.....	Vice Consul,.....	Fayal, Azores,.....	Consul,.....	1846, \$ 492; '47, \$ 412
1920.....	Consul,.....	St. Michael's, ".....		
480.....	Vice Consul,.....	Terceira, ".....	do.	1846, ... 110
1920.....	Consul,†.....	Cape Veril Islands,.....	Chargé d'Affaires,.....	4500
28,800.....	Env. Ex.....	BELGIUM.	Consul,.....	1845, 1938; '47, 2012
2400.....	Consul,.....	Antwerp,.....		
1440.....	do †.....	Ostend,.....		
960.....	Vice Consul,.....	Bruges & Ghent.....	Chargé d'Affaires,.....	4500
28,800.....	Env. Ex.....	NETHERLANDS DOM.	Consul,.....	1846, 298; '47, 728
1440.....	Consul,.....	Amsterdam,.....	do.	
2400.....	do.	Rotterdam,.....		
480.....	Vice Consul,.....	Flushing,.....		
		Ile of Curacao,.....	Commercial Agent,.....	1845, ... 768
1440.....	Consular Agent,.....	Paramaribo,.....	Consul,.....	1846, 67; '47, 166
1440.....	do.	Batavia, Java,.....	do.	
1440.....	do.	Surabaya, ".....		
28,800.....	Env. Ex.....	Samarang, ".....	Chargé d'Affaires,.....	4500
720.....	Vice Consul,.....	DANISH DOMINIONS.	Consul,.....	1846, ... 10
3360.....	Consul and }.....	Copenhagen,.....	do.	1846, ... 69
480.....	Vice Consul,.....	Elaineur,.....	do.	
		Santa Cruz, W. I.		
28,800.....	Env. Ex.....	St. Thomas, ".....	Commercial Agent,.....	1845, 671; '47, 626
2400.....	Consul,†.....	SWEDEN & NORWAY.	Chargé d'Affaires,.....	1845, 950; '47, 4912
2400.....	do.	Stockholm,.....	Consul,.....	4500
		Gottenburgh,.....	do.	1846, 45; '47, 166

2330	Consul General,	Bergen, N.	Consul,	
3,800	Env. Ex.	Christiana,	Env. Ex. & Sec. of Leg.	Env. \$9000
240	Vice Consul,	PRUSSIA.	Consul,	1146, \$ 15; '47, \$ 18
3300	Consul General, t	Stettin,		
960	Vice Consul,	Dantzic,		
240	do.	Memel,		
238	do.	Pillau,		
320	Amb. Ex.	Konigsberg,		
3600	Consul General, t	AUSTRIA.	Chargé d'Affaires.	4500
430	Vice Consul,	Vienna,	Consul,	1846, 120; '46, 121
480	do.	Venice,	do.	1846, ... 72
360	do.	Trieste,	do.	1845, 1419; '47, 1053
384	Consular Agent,	Fiume,		
1,200	Min. Plen.	Milan,		
		SAXONY.		
		Dresden,	Consul,	
3600	Consul General, t	Leipzig,	do.	1846, 592; '47, 780
3,800	Env. Ex.	BAVARIA.		
		Augsburg,	do.	
		Nuremberg,	do.	
		WURTEMBERG.		
		Stuttgart,	do.	
3,300	Env. Ex.	HANOVER, G. D. of		
		HESE, and HESSE		
		DARMSTADT.		
		Cassel,	do.	

\$ 480.....	Vice Consul.....	Faya, Azores.....	Consul.....	1846, \$ 492; '47, \$ 412
1920.....	Consul.....	St. Michael's, ".....		
480.....	Vice Consul.....	Terceira, ".....	do.	1846, ... 110
1920.....	Consul, t.....	Cape Verd Islands, ..	Chargé d'Affaires, ..	 4500
28,800.....	Env. Ex.....	BELGIUM.	Consul.....	1845, 1938; '47, 2012
2400.....	Consul.....	Antwerp,.....		
1440.....	do. t.....	Ostend,.....		
960.....	Vice Consul.....	Bruges & Ghent.....	Chargé d'Affaires, ..	 4500
28,800.....	Env. Ex.....	NETHERLANDS DOM.	Consul.....	1846, 298; '47, 728
1440.....	Consul.....	Amsterdam, ...	do.	
2400.....	do.	Rotterdam, ...		
480.....	Vice Consul.....	Flushing,.....	Commercial Agent, ..	1845, ... 766
		Isle of Curacao, ...	Consul.....	1846, 67; '47, 186
1440.....	Consular Agent, ...	Paramaribo, ...	do.	
1440.....	do.	Batavia, Java,.....		
1440.....	do.	Surabaya, ".....		
28,800.....	Env. Ex.....	Samarang, ".....	Chargé d'Affaires, ..	 4500
720.....	Vice Consul.....	DANISH DOMINIONS.	Consul.....	1846, ... 10
3360.....	Consul and }.....	Copenhagen, ...		
480.....	Vice Consul, }.....	Elaineur,.....	do.	1846, ... 69
		Santa Cruz, W. I.	do.	
28,800.....	Env. Ex.....	St. Thomas, ".....	Commercial Agent, ..	1845, 671; '47, 626
2400.....	Consul, t.....	SWEDEN & NORWAY.	Chargé d'Affaires, ..	1845, 950; '47, 4912
2400.....	do.	Stockholm, ...	Consul.....	 4500
		Gottenburgh, ...	do.	1846, 45; '47, 186

\$2880	Consul General,	Bergen, N.	Consul,	Env.	\$9000
28,800	Env. Ex.	Christiana,	Env. Ex. & Sec. of Leg.	1146, \$ 15; '47, \$ 18	
240	Vice Consul,	PRUSSIA.	Consul,		
3360	Consul General, †	Stettin,			
960	Vice Consul,	Dantzic,			
240	do.	Memel,			
288	do.	Pillau,			
47,520	Amb. Ex.	Konigsberg,	Chargé d'Affaires.		4500
4800	Consul General, †	AUSTRIA.	Consul,	1846, 120; '46, 121	
480	Vice Consul,	Vienna,	do.	1846, ---	72
360	do.	Venice,	do.	1845, 1419; '47, 1053	
384	Consular Agent.	Trieste,			
19,200	Min. Plen.	Fiume,			
		Milan,			
		SAXONY.	Consul,		
3600	Consul General, †	Dresden,	do.	1846, 592; '47, 780	
28,800	Env. Ex.	Leipzig,			
		BAVARIA.			
		Augsburg,	do.		
		Nuremberg,	do.		
		WURTEMBERG.			
		Stuttgart,	do.		
		HANOVER, G. D. of			
		Hesse, and Hesse			
		DARMSTADT.			
		Cassel,	do.		

\$28,800....	Env. Ex.	HANS TOWNS.			
7200....	Consul Generalt - }	Hamburg.....	Consul,.....	1845, \$ 735; '47, \$ 915	
1440....	and Vice Consul, }	Bremen.....	do.	1845, 1152; '47, 1076	
720....	Vice Consul,.....	Frankfurt on M....	do.	1846, 154; '47, 353	
720....	do.	Lubeck,.....			
480....	do.	Cuxhaven,.....			
19,200....	Min. Plen.....	SWITZERLAND.			
	Consul,.....	Basle and Geneva,	Consul,.....	1845, 836; '47, 1084	
28,800....	Env. Ex.....	SARDINIA, Turin,...	Chargé d'Affaires,...	4500	
1920....	Consul,.....	Genoa,.....	Consul,.....	1846, 652; '47, 1001	
960....	do.	Nice,.....	do.		
1200....	do.	Cagliari,.....			
28,800....	Env. Ex.....	TUSCANY.			
1920....	Consul,.....	Leghorn,.....	Consul,.....	1847,.....	202
		Florence,.....	do.	1846,.....	360
		ROMAN STATES.	Chargé d'Affaires,...		4500
1920....	do.	Rome,.....	do.	1846,.....	142
		Ravenna,.....	do.		
1200....	do.	Ancona,.....	do.		
28,800....	Env. Ex.....	TWO SICILIES.	Chargé d'Affaires,...		4500
1920....	Consul and }	Naples,.....	Consul,.....	1845, 690; '47, 742	
240....	Vice Consul, }	Palermo,.....	do.	1845, 1276; '47, 1524	
1920....	Consul,.....	Messina,.....	do.	1846,.....	170
960....	do.	Gallipoli,.....			
480....	Vice Consul,.....				

\$ 120.....	Vice Consul.....	Otranto,.....	Minister Res. & Drug. Mins.....\$6000
47' 520.....	Amb. Ex.....	TRUTH DOMIN.....	1846,.....
7680.....	Consul General,†	Constantinople,...	1846,.....
1920.....	V. C. & Cancellier,†	Dardanelles,...	1846,.....
1440.....	Consul,.....	Salonica,.....	1846,.....
1440.....	do.	Adrianople,...	1846,.....
960.....	do.	Enos,.....	1846,.....
192.....	Consular Agent,...	Brusa,.....	1846,.....
1440.....	Consul,.....	Smyrna,.....	1846,.....
3840.....	do.†	“	1846,.....
960.....	V. C. & Cancellier,...	“	1846,.....
1200.....	Chaplain,.....	“	1846,.....
960.....	Surgeon,.....	Adalia,.....	1846,.....
480.....	Vice Consul,.....	Mytilene,.....	1846,.....
960.....	do.	Scio,.....	1846,.....
384.....	do.	Rhodes,.....	1846,.....
960.....	do.	Orete,.....	1846,.....
1440.....	Consul,.....	Erzeroom,.....	1846,.....
2880.....	do.	Trebizond,.....	1846,.....
960.....	Vice Consul,...	Batoom,.....	1846,.....
960.....	do.	Kaiseriah,.....	1846,.....
1920.....	Consul,.....	Samsoun,.....	1846,.....
960.....	Vice Consul,...	Tarsous,.....	1846,.....
1200.....	do.	Mousoul,.....	1846,.....
1200.....	do.		1846,.....

\$3840....	Consul General,†...	SERBIA. Belgrade,.....	Consul,.....	Salary,.....	\$ 500
4320....	do.†	WALLACHIA. Bucharest,.....	do.*		
960....	Vice Consul,.....	Ibraila,.....			
3360....	Consul,†	MOLDAVIA. Jassy,.....			
1200....	Vice Consul,.....	Galatz,.....			
2640....	Consul,	ALBANIA. Janina,.....			
720....	V.C. & Cancellier, }	Prevesa,.....			
336....	Vice Consul,†	Scutari,.....			
624....	do.	SYRIA. Aleppo,.....			
4800....	Consul General,....	Alexandretta,...			
2400....	Consul,	Damascus,....			
1440....	Vice Consul,.....	Beyroot,.....			
2880....	Consul,†	Saida,.....			
2400....	do.	Cyprus,.....			
1920....	do.	PALESTINE, Jerus.			
2640....	do.	Egypt.			
7680....	Con. Gen. & Agent,†	Alexandria,....	Consul General,.....	Salary,.....	3000
3120....	Consul,	Cairo,.....			
1440....	V.C. & Cancellier, }	Damietta,.....			
1440....	Consul,.....				
288....	Vice Consul,.....				

\$7680....	Consul Gen. & Agt.† Tripoli.	Consul,.....	\$2000
1440....	Vice Consul,.....		
1920....	do †.....		
7680....	Consul Gen. & Agt.† Tunis.	do.	2000
1680....	Vice Consul,†.....		
1440....	do.†.....		
7680....	Consul Gen. & Agt.† Morocco.	do.	2000
1680....	Vice Consul,†.....		
480....	do.		
480....	do.		
19,200....	Mins. Plen.....		
3360....	Consul,†.....		
1920....	do.		
1680....	do.		
720....	Vice Consul,.....		
	MUSCAT DOMINIONS.		
	Muscat,.....	do.	1846, \$ 185; '47, \$ 194
28,800....	Env. Ex.....	do.	
2400....	Consul General,....		
2400....	Consul, ...		
	PERSIA.		
	Isle of Zanzibar,...		
	Tabreez,.....		
	Tehran,.....		

	CHINA.	Commis. & Interpret.	Commissioner,...
\$8640	Consul, t.....		\$5000
3600	Vice Consul, t.....		
3360	Interpreter, t.....		
3499	2 Eng. Ass'ts.....		1845, \$1070; '47, \$1063
720	3 Chinese, ".....		
7200	Consul, t.....		
7200	do. t.....		1000
7200	do. t.....		1000
5760	do. t.....		1000
	SANDWICH ISLES.		
3840	Honolulu.....	Commissioner,.....	3000
	SOCIETY ISLES.		
1440	Honolulu.....	Consul,.....	1845, \$3390; '47, \$2663
	Tahiti.....		
	NAVIGATORS' ISLES.		
1680	Apia.....	Commercial Agent,.....	
	do.....	do.....	1846, 197; '47, 72
	FEJEE ISLES.....		
	NEW ZEALAND.		
	Auckland.....		
	Ecuador.....	Consul,.....	1846,..... 327
4800	Gesyaquil,.....	do.....	
	AFRICA.		
	Liberia.....	Special Agent,.....	
	PERU.	Chargé d'Affaires,.....	4500

* The British Consular establishment in China is estimated at £27,900 per ann. || Act of March 3, 1819.

\$9600	Consul General, t.....	Lima,.....	Consul,.....	1845, \$ 509; '47, \$ 633
489	Consular Agent,.....	Paita,.....	do.	1845, 508; '47, 490
1440	Consul,.....	Arica,.....		
2400	Vice Consul,.....	Callao,.....		
2400	do.	Islay,.....		
		BOLIVIA.		
3340	Consul, t.....	Cochabamba,.....		
9600	Chargé,.....	CHILI.		
7680	Consul General, t.....	St. Jago,.....	Chargé d'Affaires,.....	4500
3368	Consul, t.....	Valparaiso,.....	Consul,.....	1845, 946; '47, 1356
		Talcahuano,.....	do.	1845, 827; '47, 1844
1440	Vice Consul,.....	Cochimbo,.....	do.	
1200	do.	Concepcion,.....		
19,200	Mins. Plen.	ARGENTINE CONFED.	Chargé d'Affaires.	4500
3840	Consul,.....	Buenos Ayres,....	Consul,.....	1845, 1456; '47, 418
		Rio Negro,.....	do.	
		URUGUAY REPUBLIC.		
9600	Chargé,.....	Monte Video,....	Consul,.....	1845, 553; '47, 896
6720	Consul Generalt & }		Env. Ex. & Sec. of Leg.	Env. 9000
1440	Vice Consul,.....	BRAZIL.	Consul,.....	1845, 5332; '47, 9331
28,800	Env. Ex.	Rio de Janeiro,....	do.	1819, 158; '47, 161
3840	Consul,.....	Maranham Isle,....	do.	1845, 676; '47, 414
1440	do.	Para,.....	do.	1845, 1327; '47, 1053
1920	do.	Pernambuco,.....	do.	
2400	do.	Santos,.....	do.	1846, 73; '47, 48
		St. Catharine's I.,	do.	

\$3840....	Consul, ...	Rio Grande,.....	Consul,.....	1845, \$1644; '47, \$1343	
1920....	do.	Bahia, or St. Salvad.	do.		
6720....	Consul General,†..	Paraba,.....	Chargé d'Affaires.		4500
1440....	Vice Consul,.....	VENEZUELA, Caracas	Consul,.....		
960....	do.†	Maracaibo,.....	do.	1845, 737; '47, 600	600
960....	do.	Puerto Cabello, ..	do.	1845, 744; '47, 600	600
7680....	Consul General & } *	La Guayra,.....	Chargé d'Affaires.		4500
1920....	Vice Consul,.....	NEW GUENADA, } Bogota,.....	Consul,.....	1846, ...	71
4800....	Consul,†	Cartagena,.....	do.		
1920....	do.†	Panama,.....	Commercial Agent,...	1847, &c.....	100
	Vice Consul,.....	St. Martha,.....			
		CENTRAL AMERICA.			
		Guatemala,.....	Consul,.....		
		Omoa or Tuxillo, ..	do.		
		San Juan de Nica.	do.		
		San Salvador,.....			
5750....	Consul General,†...	Mosquito.			
		Blufields,.....			
4900....	Consul Gen. & Agt.	Mexico,.....	Env. Ex. & Sec. of Leg		9000
19,200....	Mina. Plen.....	Mexico City,.....	Consul,.....	1845, ...	588
2880....	Consul,†	Tampico,.....	do.	1844, ...	450
2400....	do.	Matamoras,.....	do.	1844, ...	550
960....	Vice Consul,.....	Tabasco,.....	do.	1844, ...	220
		Mazatlan,.....	do.		
		Guaymas, ...	do.		

* Besides as Chargé, &c. \$9600.

\$2400....	Consul,.....	Chihuahua,.....	Commercial Agent,...	1844,.....	\$900
1440....	do.	Vera Cruz,.....	Consul,.....		
		San Blas,.....			
		HAYTI or SAN DOM.			
5760....	Consul† and	Aux Cayes,.....	Commercial Agent,...	1846,.....	359
2400....	Vice Consul,†	Port au Prince,...	do.	1845, 348; '47,	747
1920....	Vice Consul,...	Cape Haytien,...		1846, 540; '47,	795
28,900....	Env. Ex.	THE UNITED STATES.			
960....	Consul,.....	Portland,.....			
2400....	do.	Boston,.....			
3840....	do.†	New York,.....			
2400....	do.	Philadelphia,....			
2400....	do.	Baltimore,.....			
1440....	do.	Norfolk,.....			
2400....	do.	Charleston,....			
1440....	do.	Savannah,....			
2160....	do.	Mobile,.....			
2400....	do.	New Orleans,....			
2400....	do.	Galveston,.....			
960....	Vice Consul,.....	San Francisco,...			

(2.)

FEES AND EXPENDITURES ALLOWED TO CONSULS OF THE UNITED STATES.

Certificate of the deposit of a ship's papers,.....	\$2 00
" " " return of the same,.....	2 00
Verification and Certificate of an Invoice,.....	2 00
Certificate of the delivery of merchandize, under the revenue laws,.....	1 00
Administering the oath for the same, ...	25
Certificate of a Survey, (besides reasonable ex- penses,).....	2 00
Certificate of a Mariner's Discharge,.....	50
Certificate to a Passport or Visa,.....	2 00
Certificate of the transfer of any stock, or of inter- est thereon,.....	50
Authenticating, under the official seal, any protest, declaration, deposition, or other act, required by any mariner or citizen of the United States,...	2 00
Receiving and paying the wages due to any dis- charged seaman,.....	2½ per cent.
Disbursements of money for the Navy of the U. S., when required,.....	2½ " "
Final settlement and delivery, in money, of the personal property of any subject of the U. S., dying intestate near the Consulate,...	5 " "
Delivering any part of such estate, not in mon- ey, before final settlement, when required,...	2½ " "
Any other service, not specified, for any citizen of U. S., or for an alien, the fees and charges usually allowed to nota- ries of the same place for similar services.	
For postage or expenses paid on despatches to or from the State Department, full remuneration will be allowed upon the rendition of a specific account therefor.	
By Act of 1848, to each consul in China, besides his fees, an annual salary of,.....	
Annual allowance for Interpreters, Guards, &c., of the Consulate at Constantinople,.....	1,500
Annual allowance to Consuls at Barbary ports, for presents to the authorities, &c.,.....	3,000
The average appropriation for Relief and Protec- tion of American Seamen,.....	75,900

(3.)

"Fees Allowed to British Consuls General and Consuls, in addition to the salaries specified in Table 1, by Act 6 of Geo. iv. c. 87.

TABLE (A.) Certificate of due landing of goods exported from the United Kingdom,.....	2 dollars.
Signature of Ship's Manifest,.....	2 "
Certificate of origin, when required,.....	2 "
Signature of muster roll, " ".....	2 "
Bill of health, " ".....	2 "
Attestation of a signature, " ".....	1 "
Administering an oath, " ".....	50 cents.
Signature of any other document, with seal of office,.....	1 dollar.

TABLE (B.) Bottomry, or arbitration bond,....	2 dollars.
Noting a protest,.....	1 "
Ordering a survey,.....	2 "
Extending a protest or survey,.....	1 "
Registrations,.....	1 "
Visa of a passport,.....	50 cents.
Valuation of goods,.....	1 per cent.

Attending sales $\frac{1}{2}$ per cent. where there has been a charge for valuing; otherwise 1 per cent.

Attendance out of Consular office at a shipwreck, 5 dolls. per diem for his personal expenses, over and above his traveling expenses.

Attendance on opening a will,..... 5 dollars.

Management of property of British subjects dying intestate,..... $\frac{2}{4}$ per cent."

"The dollars mentioned in the preceding tables are in all cases to be paid by the delivery of dollars, each of which is to be of the value of 4s. 2d. sterling, and no more, according to the rate of exchange prevailing at the place where such payment is made."

Annual Appropriations to British Consulates for Postages, ...	\$ 2,400
Annual Appropriations for Chapels, Religious Services and Burial Grounds.....	24,000
For Relief of British and Foreign Seamen, in 1847,.....	12,960
Sundry other allowances, Outfits, ...	47,040

\$86,400

(4.)

SALARIES OF FRENCH CONSULS GENERAL AND CONSULS.

French Consuls Generals are paid from 15,000 francs to 36,000 francs each, = \$2,790 to \$6,696.

The French Consul at London, 45,000 francs = \$8,370.

" " " Canton, 10,000 " = \$1,860.

Other French Consuls receive each from 8,000 francs to 28,000 francs = \$1,488 to \$5,208.

(5.)

THE NUMBER OF CONSULS GENERAL, CONSULS AND VICE-CONSULS, OF THE UNITED STATES, GREAT BRITAIN AND FRANCE, RESPECTIVELY.

	United States.	Great Britain.	France.
Consuls General, paid,		23	24
Consuls, paid,		121	87
Consuls, unpaid,	153	2	
Vice-Consuls, paid,		82	
Vice-Consuls, unpaid,		253	
Commercial Agents,	14		
	167	468	111

(6.)

UNITED STATES NAVY RATION.

The following Scale exhibits the Navy Ration for each day of the week, established by Act of Congress, August 29th, 1842.

	POUNDS.					OUNCES.					FRACTIONS OF A PINT.			
	Beef.	Pork.	Rice.	Raisins or dried fruit.	Pickles or Cucumbers.	Biscuit.	Sugar.	Tea, Coffee, Cocoa.	Butter.	Cheese.	Beans.	Molasses.	Vinegar.	Spirits.
Sunday, ...	1	$\frac{1}{2}$		$\frac{1}{2}$		14	2	$\frac{1}{2}$	1	1				$\frac{1}{2}$
Monday, ...		1				14	2	$\frac{1}{2}$	1	1	$\frac{1}{2}$			$\frac{1}{2}$
Tuesday, ...	1		$\frac{1}{2}$			14	2	$\frac{1}{2}$	1	2	$\frac{1}{2}$			$\frac{1}{2}$
Wednesday, ..		1			$\frac{1}{2}$	14	2	$\frac{1}{2}$	1	1	$\frac{1}{2}$			$\frac{1}{2}$
Thursday, ...	1	$\frac{1}{2}$		$\frac{1}{2}$		14	2	$\frac{1}{2}$	1	1				$\frac{1}{2}$
Friday, ...	1		$\frac{1}{2}$			14	2	$\frac{1}{2}$	1	2	$\frac{1}{2}$	$\frac{1}{2}$		$\frac{1}{2}$
Saturday, ...		1			$\frac{1}{2}$	14	2	$\frac{1}{2}$	1	1	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$
Weekly quan.	4	3	1	$\frac{1}{2}$	$\frac{1}{2}$	98	14	12	7	7	4	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$

The following tables exhibit the weight and quality, with the Federal and Sterling valuations, respectively, of the principal Gold and Silver coins used in commerce, compiled partly from Mr. Tate's "Manual of Foreign Exchanges," and the rates established for the Government of the United States. It is designed to aid Consuls in making out their Commercial Reports, and to facilitate the foreign computations of supercargoes and shipmasters.

(7.) TABLE OF THE PRINCIPAL GOLD COINS.

COUNTRY.	NAMES.	F' L W' T.	PURE G.	FED. VALUE.	STERLING VALUE.
U. S. of America,	Eagle, ...	258 gra.	232 1-5gr	\$10 00	{ True, £2 1s 0.95d Mint, § 2 1s 0.38d Ex. ¶ 2 1s 8d
do.	Dollar, ...	26	23 1-5	1.00	True, 4s 1.3d
Great Britain,...	Sovereign or £	123.274	113.001	{ True* 4.867 Mint, † 4.843 Ex. ‡ 4.874	
Portugal, ...	Joannese, ...	222.5	203.37	{ True 15.58 Ex. 16.00	1 15s 11.95d
Spain, ...	Doubloon, ...	417.7	362.26	{ True, 15.60 True, 3.86	3 14s 1.4d
South America,...	do.	412.5	360	True, 3.86	3 4s
France, ...	Napoleon, (20 fr.)	99.5	89.39	True, 2.27	15s 9.86d
Austria, ...	Ducat, ...	53.875	53.17	2.258	9s 4.93d
Holland, ...	Ducat, ...	53.75	52.77	3.91	9s 4.07d
Russia, ...	Half Imperial,...	97.5	89.38	7.075	16s 1.71d
East Indies, ...	Mohur, ...	180	164.53		1 9s 1.44d

* For notes to this and the following table, see page 247.

(3.) TABLE OF THE PRINCIPAL SILVER COINS.

COUNTRY.	NAMES.	F'L W'T.	PURE S.	FED. VALUE.	STERLING VALUE.
U. S. of America,	Dollar,.....	412.5 grs.	371.25 gr.	\$1.00	True † Mint, 4s 2.17d 4s 2.16d
Great Britain,....	Crown, (5 shil.)..	435.36	402.7	Legal, * 1.093 Mint, † 1.087	
France,.....	5 Francs,.....	385.	347.17	Legal, .93 Mint, .937	3s 10.9d
Spain,.....	Pillar Dollar,....	416.	372.6	Legal, 1.00	4s 2.36d
South Germany, Holland, Frank- fort & Nuremb. Prussia, Leipsic, & N. Germany, Berlin & Saxony.	Guilder or Florin,	266.	148.01	.40	1s 8d
Austria,.....	Thaler,.....	343.	255.8	.69	2s 10.5d
Russia,.....	Rix Dollar,.....	433.	360.8	.975	4s 0.7d
China,.....	Thaler of 2 Florins	320.	277.3	.75	3s 1.47d
Ven. Lombardy.	Ruble,.....	241.5	579.84	True, 1.394 Ex. 1.389	6s 6d 5s 10d
Portugal,.....	Tale,.....	219.	359.6	.96	4s 0.6d
Mexico,.....	6 Lire,.....	419.	198.9	.52	2s 2.88d
Peru,.....	Crusado Novo, ..	415.5	376.2	1.00	4s 2.8d
East Indies,.....	Dollar, 1833,....	180.	165.	1.00	4s 2.7d
Siam,.....	do. do,.....	236.	av. 223.	.445	1s 10.29d
	Company Rupee, ..			.60	2s 6d
	Tical,.....				

NOTES TO THE TABLE OF GOLD COINS.

* The true value of British coin in the United States, according to the U. S. standard gold contained, is reckoned at \$.03875 pr gr. or \$18.60 pr. oz.

† The mint value of British coin in the United States, according to the pure gold contained, discounting $\frac{1}{2}$ per cent. for immediate payment, is about \$.04286 per gr. or \$20 56 per oz., or without discount at .043 per gr.

‡ The exchange value is according to the average of exchange on New York, at $9\frac{1}{2}$ per cent. on the assumed par of \$4 44 to the £. = \$4 874 to the £. or 4s. $1\frac{1}{4}$ d to the \$.

§ The true value of U. S. gold in Great Britain is reckoned according to the standard gold contained, at 1d.9468 per gr. or 77s.10 $\frac{1}{2}$ d per oz. as usually allowed.

¶ The mint value is reckoned according to the pure gold contained, at 2d.1204 per gr. or 84s.9.1-5d per oz., paid at the mint.

|| The exchange value is according to the average of exchange on London at 8 1-9 per cent. on the assumed par of \$4.44 to the £ = \$4 80 to the £, or 4s.2d to the \$.

By proclamation of the British Government, Sept. 21, 1838, the value of the dollar is fixed at 4s. 2d, and of the gold doubloon at 64s. sterling; and by Act of 1842 the sovereign is made current if worn to 5 dwts. $2\frac{1}{2}$ grs. or 122 $\frac{1}{2}$ grs.

NOTES TO THE TABLE OF SILVER COINS.

* The true value of silver in England is reckoned according to the British standard silver contained, at 0d.1248 per gr. or 5s. per oz.

† The British mint valuation is according to the pure silver contained, at 0d.135 per gr. or 5s.4.8d per oz., which is issued at 5s.6d per oz.

‡ The legal value is according to the U. S. rate established by law, .002489 per gr. or \$1.196 per oz.

§ The mint value is reckoned according to the pure silver contained, at .0027 per gr. or \$1.296 per oz.

Gold is bought at the French mint, 9-10ths fine, at 3091 francs per kilogramme, or about .0373 cents, Federal money, per Troy grain, or about .0414 cents per grain for pure gold, and is issued at 3100 francs per kilogramme or .03735 cents per gr. 9-10ths fine, or at .0415 gold. Silver in France is bought at the mint at 197 frs. per kil., or .002373 cents per gr. for pure silver; and the same or .0024 cents, Federal, per gr.,

(9.)

A TABLE, showing the established Sterling and Federal Values of several Foreign Currencies.

Place.	Denominations.	Sterling.			Federal
		l.	s.	d.	
England,	£, estimating 4s 2d to the \$,	20	0		4 80
France and } Belgium, }	1 franc eq. 100 centimes,		9½		186
Switzerland,	1 do. eq. 10 batzen eq. 100 rappen,	1	2½		285
Austria,	1 Con. florin eq. 60 kreuzers,	2	0½		483
Poland,	1 florin eq. 30 gros,		5 4-5		11
Prussia,	1 crown or doll. eq. 30 grose,	2	10½		69
Denmark,	1 dollar eq. 96 shillings,	2	2½		55
Norway,	1 do. eq. 96 do.	4	4½		1 05
Sweden,	1 do. eq. 48 do.	1	8		70
Bremen,	1 do. eq. 72 grotes,	3	3½		40
Hamburg,	1 mark cur't eq. 16 schillings,	1	2		28
do.	1 mark banco eq. 16 schillings,	1	5½		35
Zollverein,	1 dollar eq. 14 Thalerfuss,	2	10½		69
Turkey,	1 piastre eq. 40 paras,		2 1-6		05
Greece,	1 drachma eq. 100 centimes,		8½		17
Malta,	1 pezza eq. 2½ scudi eq. 30 tari,	4	0		1 00
Leghorn,	1 livre eq. 100 centimes,		7½		16
	{ 1 lira ruyra eq. 100 centesimi; 1 scudo eq. 10 paoli eq. 100 bajocchi,		9½		19
Roman States,		4	2		1 03
Venetian,	1 lira Austriacha eq. 100 c'ti's		8½		163
Naples,	1 ducat regno eq. 5 stari eq. 10 carlino,	3	3½		80
Nicily,	1 onza eq. 30 tari eq. 600 grani,	10	3½		2 40
Genoa,	1 lira nuova eq. 100 centesimi,		9½		186
Spain,	1 piastre eq. 15 reales vellon,	3	1 4-5		75
Portugal,	1 milrea (\$) eq. 1000 reas,	4	10½		1 20
Brazil,	1 do do eq. do	1	11		54
Buenos Ayres,	1 dollar (paper) eq. 8 rials,		2½		05
Monte Video,	1 do. eq. do.	3	4		80
Mexico and Chili,					
Demerara, Cuba, } Singap. & Spain, }	1 do. eq. do.	4	2		1 00
Canada,	1 provincial pound current,	16	6		4 00
Turk's Isle, Ja- } malca, Honduras, }	1 do. do.	12	4½		3 00
Nassau,	1 do. do.	10	3½		2 50
China,	1 Tale eq. 10 mace eq. 100 candarines,	5	10		1 39
Madras,	1 pagoda,	7	7		1 84
India,	1 rupee (comp.) eq. 16 annas eq. 192 pice,	1	10½		445
do.	1 lac eq. 100,000 rupees,	9270	0	0	44,500
Persia,	1 toman eq. 10 karauns eq. 50 abassis,	10	0		2 40
Egypt,	1 piastre eq. 40 paras,		2 2-5		042

1 Turkish silver purse is 500 piales, and a gold purse is 20,000 do

(10) TABLE OF FOREIGN WEIGHTS AND MEASURES.

	Liquid Measure.		lin. gal.	Corn measures.		Im. bus.
32 eimers eq. 1 fuder.....			393.65	30 metzen eq. 1 muth.....		50.76
45 stubjen eq. 1 alm.....			31.55	40 scheffels eq. 1 last.....		78.20
30 viertels eq. 1 oxhoft.....			51.02	12 toendes eq. 1 last.....		45.91
20 viertels eq. 1 ohm.....			31.57	8 metzen eq. 1 malter.....		3.16
barile of wine.....			16.34	8 quarte eq. 1 milia.....		3.32
20 viertels eq. 1 alm.....			31.87	30 scheffels eq. 1 last.....		87.08
20 fiaschi eq. 1 barile.....			10.03	100 sacci.....		201.
barile of oil.....			7.36			
24 barili eq. 1 carro.....			220.18	36 tomoli eq. 1 carro.....		50.65
100 kannen eq. 1 vat.....			22.01	30 mudden eq. 1 last.....		82.54
100 Lisbon almudes.....			364.10	100 Lisbon alquieres.....		37.20
100 Oporto almudes.....			560.80	100 Oporto alquieres.....		46.50
120 quarts eq. 1 ohm.....			30.23	100 scheffels.....		151.21
100 boccali.....			40.12	22 scorzi eq. 1 rubbio.....		8.10
18 wedros eq. 1 oxhoft.....			48.68	100 chetwerts.....		577.
Dresden eimer.....			14.89	24 scheffels eq. 1 wespel.....		69.84
12 barrels eq. 1 pipe.....			94.33	16 tomoli eq. 1 salma.....		7.61
16 arrobas eq. 1 moyo.....			56.61	12 fanegas eq. 1 cahiz.....		18.60
30 kannen eq. 1 eimer.....			17.27	36 kappur eq. 1 tunna.....		4.53
100 almudes.....			115.10	4 killovs eq. 1 Con. fortin.....		3.65

(11.) TABLE OF FOREIGN WEIGHTS AND MEASURES.

	Measures of Weight.	lbs. avo.	Cloth meas.	In's.	Itinerary meas.	Yards.
Austria.....	100 pounds eq. 1 centner.....	123.52	Ell.....	30.68	Post mile.....	8296
Bremen.....	116 pounds eq. 1 centner.....	127.44	Ell.....	22.76		
China.....	100 catties eq. 1 pecul.....	133.33	Covid.....	14.63	Li.....	632
Denmark.....	320 pounds eq. 1 shippound..	352.00	Ell.....	24.71	Mile.....	8244
Frankfort.....	100 pounds eq. 1 centner.....	111.42	Ell.....	21.24	Ger. geo. mile..	8101
Genoa.....	150 pounds eq. 100 rottoli...	104.83	Braccio....	22.69	Metrical mile..	1093
Hamburg.....	112 pounds eq. 1 centner.....	119.64	Ell.....	22.58	Mile.....	8244
Leghorn.....	100 pounds eq. 1 quintal.....	74.86	Braccio....	33.98	Tuscan mile..	1808
Naples.....	100 rottoli eq. 1 cantaro gr..	196.42	Canna.....	83.	Italian mile..	2025
Netherlands.....	100 ponden.....	220.49	Ell.....	39.37	Flem. league..	6864
Portugal.....	32 pounds eq. 1 arroba.....	32.38	Vara.....	43.20	League.....	6790
Prussia.....	110 pounds eq. 1 quintal.....	113.42	Ell.....	26.25	Mile.....	8237
Rome.....	100 lbs.....	74.77	Canna.....	78.35	Mile.....	1628
Russia.....	40 pounds eq. 1 pood.....	36.10	Arshin.....	28.	Verst.....	1167
Saxony.....	110 pounds eq. 1 centner.....	113.23	Ell.....	22.25	Mile.....	9905
Sicily.....	100 rottoli eq. 1 cantaro.....	175.03	Canna.....	76.47	Italian old mile	1628
Spain.....	25 pounds eq. 1 arrobo.....	25.36	Varo.....	33.38	Com. league..	7416
Sweden.....	120 lbs. vict. eq. 1 centner...	112.51	Ell.....	23.36	Mile.....	11700
Turkey.....	44 Const. oke eq. 1 quintal..	124.65	Pike.....	27.	Berri.....	826

BRITISH INDIA.—*Government Weights.*—1 tola eq. 180 Troy grains; 80 tolas eq. 1 seer; and 40 seers eq. 1 maund eq. 82 2-7 lbs. Avoird. (or 100 lbs. Troy.)

Bengal.—The guz eq. 1 imp. yard. $30\frac{1}{2}$ biggahs eq. 10 imp. acres. The factory maund of 40 seers eq. $74\frac{2}{3}$ lbs. Avoird.; the bazar maund eq. 82 2-15 lbs. Avoird.

Madras.—The covid eq. 18 3-5 inches. The cawney eq. 1 acre, 1 rood, $11\frac{1}{2}$ poles. The garse of 80 parahs, or 400 marcals eq. 16 7-8 imp. quarters, or by weight 9256 $\frac{1}{2}$ lbs. Avoird. The maund of 8 vis eq. 25 lbs. Avoird.; the candy eq. 20 maunds.

Bombay.—The guz eq. 27 inches. The maund of 40 seers eq. 28 lbs. Avoird.; the candy of 20 maunds eq. 5 cwt., reckoned for grain at $24\frac{1}{2}$ imp. bushels. The Surat candy of 20 maunds, each of 40 seers eq. $746\frac{1}{2}$ lbs. Avoird.

FRANCE.—*Length.*—Metre eq. 39.371 inches; aune usuel eq. 1 1-5 metre eq. $47\frac{1}{2}$ inches; toise usuel eq. 2 metres; kilometre of 1000 metres eq. 1093 $\frac{2}{3}$ yards; myriametre of 10 kilometres eq. 6.213824 miles; the post league is 4263 yards. *Surface.*—Hectare of 100 ares eq. 2.471143 acres, or 2 hectares eq. 5 acres nearly. *Solidity.*—Decastere of 10 steres eq. 13.0802 cubic yards. *Liquids.*—Litre eq. 0.22009 imp. gallons; or 100 litres eq. 22 imp. gallons nearly. *Grain.*—Hectolitre of 100 litres eq. 0.3439009 imp. quarter, or 2 $\frac{2}{3}$ imp. bushels nearly; boisseau usuel eq. $\frac{1}{4}$ hectolitre. *Weights.*—Metrical quintal of 100 kilogrammes eq. 220 $\frac{1}{2}$ lbs. Avoird.; livre usuel eq. $\frac{1}{2}$ kilogramme; the old quintal of 100 livres (*poids ds marc*) eq. 107.928 lbs. Avoird.

GERMAN ZOLL-VEREIN.—Centner of 100 lbs. eq. 110 $\frac{1}{2}$ lbs. avoirdupois.

UNITED STATES.—Same as Britain.

(12.)

TABLE OF OLD AND NEW ENGLISH MEASURES,

Of which the U. S. use the Winchester bushel, and the Wine gallon.

1 Winchester bus., 2150.4 cub. ins., eq. .9694 Imperial bus. or nearly as 33 to 32.

1 Imperial bus., 2218.2 cub. ins., eq. 1.0315 Winchester bus.

1 Wine gall., 231 cub. ins., eq. .83311 Imperial galls., or nearly as 6 to 5.

1 Imperial gall., 277.27 cub. ins., eq. 1.2003 Wine galls.

1 Ale gall., 282 cub. ins., eq. 1.01705 Imperial galls., or nearly 59 to 60.

1 Imperial gall., 277.27 cub. ins., eq. .98324 Ale galls.

The cubic feet in any bulk of grain, multiplied by .8 will give the number of Winchester bushels contained nearly and by adding a $\frac{1}{4}$ bushel for every 115 of the product, the amount will be the exact bushels contained in the bulk.

(13)

A COMPARATIVE TABLE OF ENGLISH AND FRENCH WEIGHTS.

The pound Avoirdupois is equivalent to 27.73 cubic inches of distilled water, at 62° Fahrenheit, with the barometer at 30 inches; and the Troy pound is to the Avoirdupois pound as 14 to 17, though the Troy ounce is to the Avoirdupois ounce as 80 to 73, or 175 lbs. Troy eq. 144 lbs. Avoirdupois, and 175 ounces Troy eq. 192 ounces Avoirdupois. The grain, ounce and pound, Troy, are respectively equivalent to the grain, ounce and pound of Apothecary's weights.

24 grs. eq. 1 dwt. Troy, eq. 1.2 scruples, Apoth., eq. .8778 drs. Avoir. eq. 1.555 grammes, French.

5760 grs. eq. 240 dwts. eq. 12 oz. eq. 1 lb. Troy, eq. 1 lb. Apoth., eq. .8229 lb. Avoir., eq. 373.202 grammes, French.

15434 grs. Troy, eq. 15434 grs. Apoth., eq. 2.204857 lbs Avoir., eq. 1000 grammes, or a kilogramme, French.

CORRECTIONS.

At Morocco, Venezuela and New Grenada, the British Government has recently appointed Charges des Affaires at \$9,600 each, instead of Consuls General; and at Borneo a British Consul General is now stationed, and a British Consul at the Comoro Islands.

Page 131, for "Appendix," read Appendices.

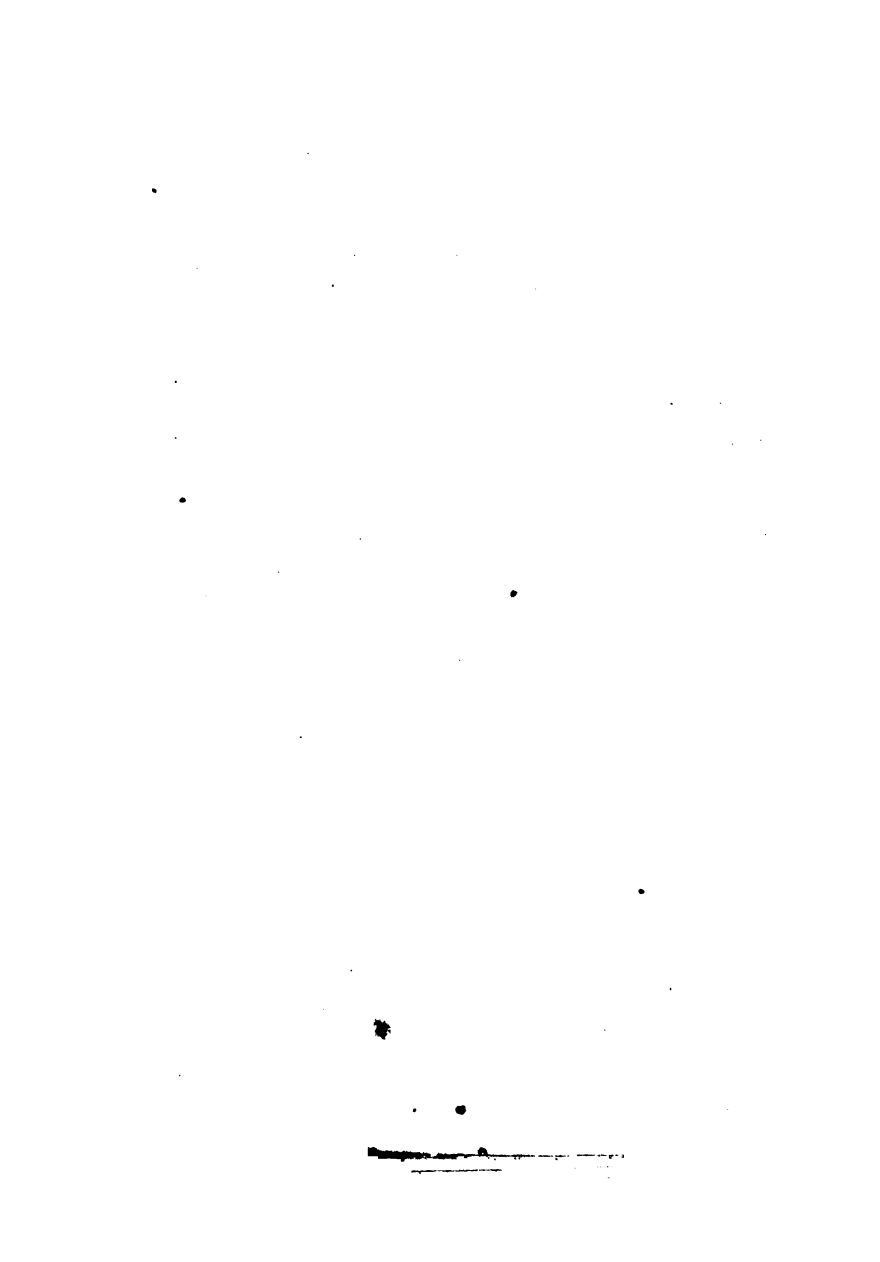
Page 251, end of table 11, for "same as Britain," read same as British former measures.

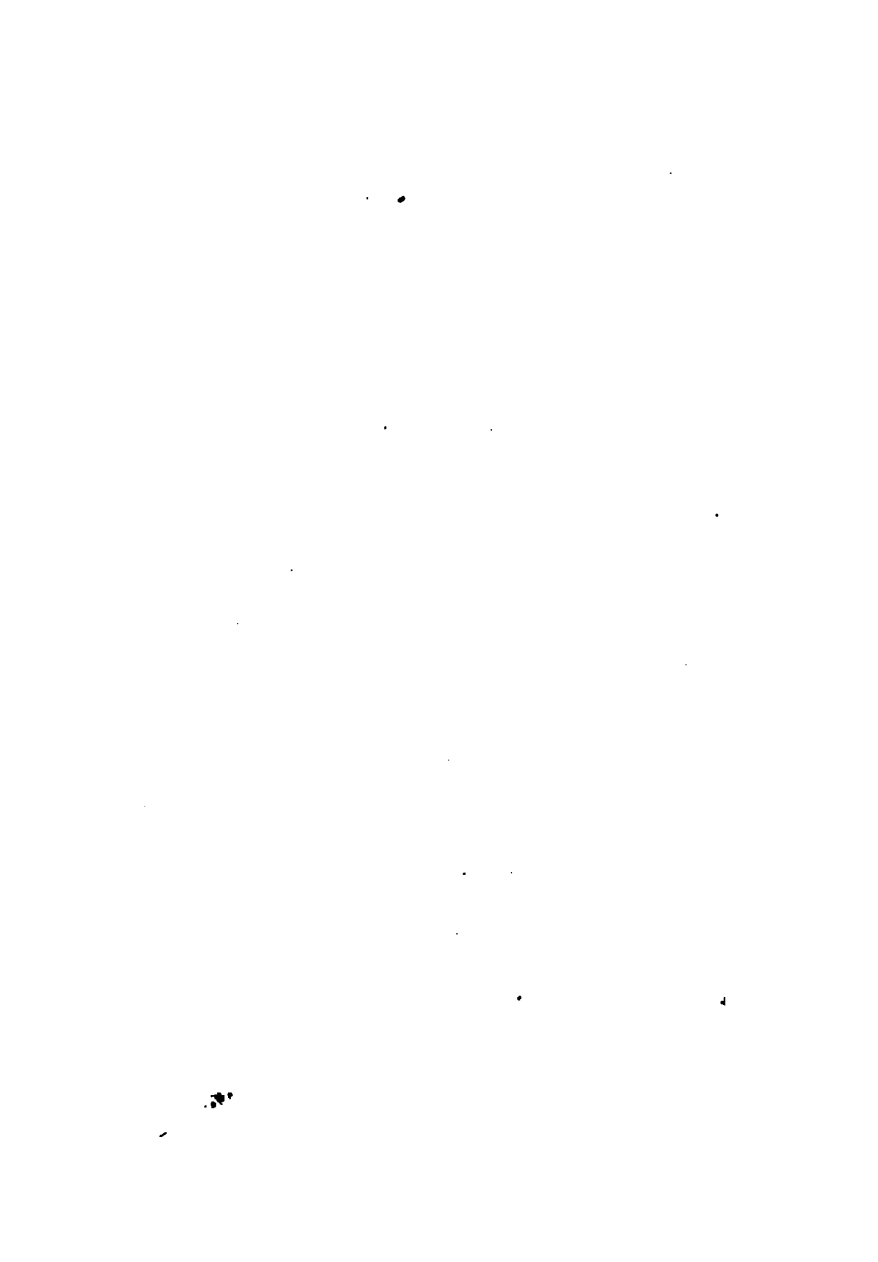
Pages 116, 117 and 242, for disbursements of money for the U. S. Navy, instead of "23 per cent." read 1 per cent.

Page 243, for relief of British subjects abroad, instead of "\$12,960," read \$129,600.

1 Ale gall., 282 cub. ins., eq. 1.01705 Imperial galls., or
nearly 59 to 60.

1 Imperial " "









**DO NOT REMOVE
OR
MUTILATE CARD**

